Notes/Correspondence/Collection

Department: Pao Section: Spl. Irrigation Section S-B-

Subject:— Draft Rules Relating to Betterment Contribution.

Earlier References:—

Late References:—

(Classification A/B/C)

Correspondence Pages: 5-1-0

For/Not for Section Note Book

To be destroyed after: —

B. of Sasty
for Under Secretary to Government.
4/8/73

File No. MD 116 Bus 63

MYSORE GOVERNMENT SECRETARIAT

Notes / Correspondence / Collection

Department MD Section Provident Fund

Subject :— Draft Rules relating to Retirement Contributions

Earlier References :—

Later References :—

Mysore Government Secretariat

File No. PWD 11 LBW 63 of 196 . [App. F. III

Serial No.

File No. PWD 11 LBW 63, in which the Mysore Irrigation (Levy of Betterment Contributions and Water rate) Amendment Bill is considered (and which corresponds to Law Department File No. LAW 30 LGN 63) may kindly be made available for reference future.

29/9/65
(K.N. Gundappa)
~~Draftsman~~
Assistant Draftsman & Ex-Offico
Under Secretary to Government
Law Department.

P.W.D.

~~Clear file~~

This Dept. file no PWD 11 LBW 63 is placed below. This may be marked to R.D. with a request to return the file when it is no longer required.

29/9/65

29.9.65
S. C. WALI,
Under Secy., P. W. D. (Services-c)

Submitted to the J.S.
29/9/65.

Returned to the P.W. Dept. as desired by the Deputy Secy.

2/11/65.

PWD 11 L BW 63

File No. of 196 . [App. F. III :

Serial No.

1

Sub : BETTERMENT LEVY RULES

It was decided at the meeting of the officers held in the chambers of the Chief Secretary on 20th August 1962 that the Rules be revised suitably for the levy of Betterment Contribution on the basis of gross produce of the land as in Madras. Accordingly, the draft rules have been revised in consultation with the Commissioner for Settlement and Land Records and two of the Betterment Levy Officers, viz., Sriyuths S.N. Torvi and B.K. Seetharama Setty. The revised Draft Rules are enclosed to this.

2. In Madras it has been ordered by the Government that when Special Officers are appointed, as far as possible only officers with experience of settlemen work should be posted as Betterment Levy Officers. It is suggested that a similar order may be passed in Mysore.

3. Alongwith the rules, it would be necessary to issue administrative instructions for the practical guidance of the Betterment Levy Officers regarding the manner of estimating outturn and the data as to prices to be adopted under the rules etc. for the calculation of gross produce of land. The Commissioner for Settlement and Land Records may perhaps be requested to issue necessary instructions.

4. Crop-cutting experiments have necessarily to be undertaken in estimating the increase in the annual gross produce under the rules. It is to be laid down clearly by which authority these experiments should be conducted. The Director of Statistics who was consulted in this behalf has expressed himself agreeable to take up this work on the basis of the

Serial No.

data to be furnished to him by the Betterment Levy Officers. He indicated however that some additional staff may be required for this work, about which he said he would send up his proposals in due course. Pending the finalisation of the rules, the BLOs may be asked to go ahead with the work of grouping and classification of the lands under the several projects and to furnish the data to the Director of Statistics.

5 Incidentally it may be mentioned, by way of information, that Madras itself is likely to give up the gross produce rule for fixing the betterment contribution, and that in Maharashtra, contribution is required to be fixed primarily with reference to sale statistics in accordance with the practice followed under Land Acquisition proceedings.

OFFICE OF THE BUDGET OFFICER & EX-OFFICIO SECY. No. 10563 Date 21/9 F.N. DEPT.

N. Madhava Rao
(N. MADHAVA RAO) 20-9-62.
Special Officer
Finance Dept (Res & Econ)

DS-FD

Secy, P.W.D.

Since decisions have been taken to adopt gross produce rule, the draft may be sent to P.W.D. for further action. In my opinion the rules as framed may give rise to serious practical difficulties and will take years before Collection can be enforced.

FINANCIAL SECRETARY No. 2002 25 SEP 1962

7 5. [illegible]

Serial No.

Discussed with F-S. Two sets of rules have been prepared so far. One was based on market value and this is already in P.W.D. The draft in (bases on gross produce) This file was as a result of discussions in C.S's chambers. Secy P.W.D. may please see and adopt any one of these rule Before the rules are published it is best a draft of each of these rules is sent to the Betterment Levy officers and they be asked to work out a few sample cases so that we may know the implications and how the levy will work out approximately

Secy P.W.D. } 8/10 DSO

N. S. BHARATH,
Budget Officer & Ex-offic
Dy. Secy., Fin. Dept.

5563/DS/10

SECRETARY TO GOVERNMENT
OD2936
10 OCT 1962
PUBLIC WORKS & ELEC. DEPT.

7 pl. bring up
11/10/10.

DS(S)

8) Draft put up may issue
The Deputy Secretary to Govt F.D. was also consulted in the matter

25 10 62
26 10 62 DS

PTO

File No. of 196 .

Serial No.

Discussed with the Secy PW&E. 9

Issue letter to BLO's

5/11/62

Issued in No. PWD 127999/61 (10)
Dated 13-11-62

D.O No 38/BDR/61-62 411 dated 22-10-1962 from the BLO. Srinagar.

Letter No 34 BTL/62-63 432 dated 30-10-1962 from BLO Srinagar.

P.W.D is for personal. 12
We have recently forwarded two sets of Rules for remarks of Betterment Levy officers.

Serial No.

1 At present no action is called for on this D.O. The remarks of B.L.O. may please be awaited till 28-11-62

16.11.62

17-11-62

17/11

DS

2 DO No BL. PR 108/62-63 dated 14-11-1962 from the Head Qrs B.L.O. BR Project Alnipura Bellary. Furnished

DO letter dated 23-11-1962 from the B.L.O. TB. Project. Bellary.

letter No 34/BTL/62-63/653 dated 14-11-1962 B.L.O. Munirabad

DO letter No AI-PR 65/62-63 dated 24-11-1962 from the B.L.O Hyderabad. P.U.D is for personal

3 B.L.O. Hyderabad has now forwarded his hospital to Bellary Rules. The particulars

6

File No. of 196 .

Mysore Governm
Secretariat

Serial No.

Called for from the B.L.O Dharwad / Bellary / Shimoga, and Belgaum are still awaited. They may be reminded by W.O. Staff hurry up may time

29.11.62

Issue as from AS

14

1/12

Issued in No. PWD 127 SOG 61
Dated 3-12-62

15

letter No BLO dated 29-11-1962 from the D.L.O. Belgaum.

DO No RC 6/61 - B1 dated 26-11-1962 from the D.L.O Tungabhadra Project.

~~Pending the transfer proceed~~

~~Acknowledge~~

1

Serial No.

16.

orders of D.S. Sm.

put up, early

S/d
D.S. Sm.

The file is put up accordingly.

4.12.62

Do on RC 16/61-B1 dated 4-12-1962 from the B.L.O Tungabhadra Project

Do No B2 P.R. 168/62-63 dated 5-12-1962 Head Quarters Assistant of B.L.O Tunga and Bhadra Project Shimoga

Do No B L O/WS dated 5-12-1962 from the B.L.O Belgaum

Do No 34/BTL/62-63/496 dated 5-12-1962 from the B.L.O Munirabad

letter No R.C 16/62-B1 dated 14-12-1962 from the B.L.O Bellary

put up B.L.O. Munirabad letter
7-12-62

5

File No. of 196 .

Mysore Government Secretariat

Serial No. 17

The reports from the B.L.O's have been received. The report from the B.L.O Shimoga is still awaited. This file may now be referred to F.O. for advise

2.9.1963

Serial No.

18. Two sets of modified Rules relating to levy of Betterment Contribution have been framed. One is based on market value and the other is based on gross produce. It has already been decided vide paras 1 to 6 of the notes to adopt the one based on "Gross Produce". The two sets were forwarded to the B.L.Os for their remarks. They were also requested to work out a few sample cases under the two Rules. The B.L.Os of Mysore, Munirabad and Belgaum have furnished their detailed views on the proposed amendments. They are placed in this file. The B.L.O. Bellary who has also furnished his detailed remarks has suggested a small amendment to Rule 11. He has suggested that the word "completion" may be substituted for the words "Commencement". The B.L.O.Shimoga has not sent his remarks, presumably because he was transferred from his post elsewhere. A statement indicating the main suggestions made by the 4 B.L.Os is placed below.

19. Gross Produce: The B.L.O.Mysore has opined that the formula of finding the increase in the value of lands on the basis of gross produce is not correct, as the standard and average yields of crops, on the basis of which the gross produce is arrived at, are only District averages and therefore, they cannot be applied to a particular area or Taluk.

The B.L.O.Belgaum has opined that ~~basing~~ levying Betterment contribution on the basis of gross produce would not be a safe guide in assessing the actual amount of increase in the value of the lands.

p.t.o.

B.L.O. Munirabad:

He has stated that The procedure of working out the increase in the capital value on the basis of gross produce is not workable so far as T.B.P. is concerned.

The Betterment contribution worked out by the B.L.O. Munirabad works out from Rs.254/- per acre in case of paddy lands and Rs.1653/- per acre in case of sugarcane.

B.L.O. Bellary:

The procedure of adopting gross produce is unworkable and it is confronted with many difficulties.

Market Value: 20

Although this is a simple process of calculation, the ~~three~~ B.L.Os have expressed doubt as to whether the sale statistics of the Sub-Registrar's Offices can be taken as real, as in most cases the properties will have been undervalued by the persons with a view to reduce the expenditure on stamps and registration fees. The betterment contribution worked out by the B.L.Os on the basis of both the gross produce and market value in a few cases is as indicated below:-

	Gross produce ~~procedure~~ per acre.	Market value per acre.
B.L.O. (Nugu Higher Level Channel).	Rs.170 to Rs.950/- per acre.	Rs.400/- to Rs.500/-. In one case it worked out to Rs.700/- per acre
B.L.O. Belgaum (Alagwadi Village)	Rs.65/- to Rs.212/-.	Rs.250/- to Rs.350, and Rs.500/- to Rs.750/-.
B.L.O. Belgaum (Dandapur -do-).	Rs.159/- to Rs.129/- per acre.	Rs.200/- to Rs.300/- per acre.

Serial No.		Gross produce. Per acre.	Market value per acre.
	Bada - Bykud village.	Rs.20/- per acre to Rs.133.2/-	---
	B.L.O.Munirabad.	Rs.4653/- per acre (for sugar-cane crop).	Rs.799/- f Class I Land.
	Village Hittanhal.	Rs.954/- per acre for paddy crop.	Rs.586-50 for Class II land.
	Village Narayanpet.	Rs.5053/- (Sugarcane crop).	Rs.1485/- (per acre for Sugar cane crop
	B.L.O.Bellary:	Rs.1100 to Rs.1460.	Rs.3050 to Rs.4950.
		Rs.465/- to Rs.900/-.	Rs.3031/- Rs.4219/-.
		150	125

The detailed statement may be seen at page 102-103 /c

21. The B.L.Os have also suggested some amendments to the proposed rules as per statement E placed below.

22. The point to be decided is whether we should stick to the previous decision of adopting the Rules based on "Gross Produce" or adopt the Rules based on "Market Value". The B.L.Os seem to be in favour of the latter ~~Rules.~~ The other suggestions made by the B.L.O's are also for consideration.

23. These papers may now be referred U.O. to the D.S. ~~Revenue~~ Finance Department for ~~remarks.~~ advice.

JOINT SECRETARY TO GOVT. No 155/63 21 JAN 1963 PUBLIC WORKS DEPARTMENT

SECRETARY TO GOVERNMENT No. 69 38 21 JAN 1963 PUBLIC WORKS & ELEC. DEPT.

14 9-1-1963 As 24 paras 18 to 23 above may pl. be seen. The file may be referred to Sri N.S. Bhat, DS(FD), for remarks in consultation with the Spl. Officer (R&E), Finance Dept.

Note.—Contn. Sheet

M. A. SUBHAN KHAN, 21.1.63 19.1.63

File No. PWD 137 G1G of 1962

Serial No.

25

11/1/63

From the reports it could be seen that there has been an unanimous opinion among B.L.Os that gross produce basis is unworkable and the results are also varying to a large extent. The gross produce basis has not been implemented elsewhere and we are bound to get into series of difficulties. The best course appears to be accept market value or where market value is not available from records, it can be determined by some formula. The feasibility of fixing certain specified rates with reference to crop pattern may also be thought of without the need to get into elaborate process of calculation on the basis of experiments. Now that we have enough details, it is better the matter

O.E. 11.20 23.1 DEPT. SECT.

WD-010154—GPB—PZS—8,00,000—1-10-

Mysore Government Secretariat

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is discussed at a meeting with the Divisional Commissioners and a representative of Law Dept. We may send copies of draft rules in advance and request them to come with specific proposals. There is no use if a Divisional Commissioner merely says that the scheme is not workable. He has to give a specific scheme acceptable legally and easy of implementation.

7-S. 28/1 28/1/63

G. MATHIAS
Secy. Fin. Dep

Sec MWD 28/1

26 Convene the meeting suggested by JS (P).
Mondays 4th Feb
in JS's Chambers
28/1

JS(P)

148
SECRETARY TO GOVERNMENT
STATE OF MYSORE
SECRETARY TO GOVERNMENT
No 61-59
28 JAN 1963
PUBLIC WORKS & ELEC. DEPT.

File No. PWD 137 GIG 62 of 196 .

Mysore Governm Secretariat

Serial No.

27

The draft put up may issue.

29-1-63

Today (by express delivery) 28

29/1/63

No. PWD 137 GOIG 62 dated 30-1-63

Telegram dated 1-2-63 from the Divisional Commissioner Gulbarga.

This subject was discussed in a meeting held in the Chambers of the Secretary to Government, Finance Department this morning at 11.00 a.m. I have placed below - (1) a draft of the proceedings of the meeting (Flag C) and (2) a draft Cabinet Note for the consideration of the Cabinet Sub-Committee on Agricultural Production (Flag 'D') for favour of approval. 29

BUDGET OFFICER & EX-OFFICIO DY. SECY. OFFICE OF THE FIN. DEPT. No. 1987 Date 4-2-63

4/2/63

(M.S. Murarappa)
Deputy Secretary to Government,
Public Works Department (Irrigation)

30

Sri M.S. Bharath, Dy. Secy. F.D.
Sri M.A. Sri Krishna Dy. Secy. Law Dept.
Secretary, P.W.D.

I have made some alterations. In view of the unanimous opinion we need not refer to individual opinions.

4/2/63

WD-010154—GPB—PZS—8,00,000—1-10-61

295/DSD

Serial No.

31 It is presumed that the value of payment of different categories of land subject to betterment contribution will be more than the contribution proposed to be levied thereon.

Dy. Secy F.D

Mas 6/2/63

OFFICE OF THE BUDGET OFFICER & EX-OFFICIO DY. SECY. No. 2186 Date 6/2/63 FIN. DEPT.

32 I think the presumption may be confirmed. The rates we have suggested will be below the market value of the lands.

Since F.S. was on leave he could not attend. He may also please see the file.

The betterment levy proposed in the Council Note for the Cabinet Sub Committee on Irrigation & Power deals only with Major and Medium Irrigation Projects. Major Irrigation Schemes are those which cost more than Rs.5 crores each and Medium Irrigation Projects are those which cost between Rs.10 lakhs and Rs. 5 crores each. The total expenditure we have already incurred and we will incur on these schemes

till the end of the Third Five Year Plan is as follows:-

To the end of First Plan	Rs. 37.28 Crores	(Including Tunga-Bhadra)
Second Five Year Plan	Rs. 63.96 "	
Third Five Year Plan (Plan Provision)	Rs. 40.66 "	
Total	141.90 "	

The extent of land to be brought under cultivation at the end of Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficulties in cent per cent realisation, the definitely anticipated area that will come under irrigation is 11.75 lakhs, acres, made up as follows:-

Sugarcane	1.69 lakh	acres
Paddy	2.95 "	"
Irrigated Dry Crops	7.01 "	"
	11.75 "	"

If the betterment levy is charged at the rates as proposed in the Council Note, the figures, when worked out, will be as follows:-

Sugarcane - @ Rs.1000 per acre	1.69 lakhs X 1000	=	16.9 crores
Paddy - @ Rs.750 per acre	2.95 lakhs X 750	=	22.25 "
Irrigated Dry Crops -@ Rs.350 p/acre	7.01 X 350	=	25.00
	Total		64.15 "

or roughly Rs.64 crores.

If we recover this amount over a period of 20 years, the annual amount recovered will be Rs.3.05 crores.

It will be seen from the above figures that although prima facie the figures may look very big, annually we get only Rs.3 crores which works to about 2% on the capital invested. Taking into account the fact that every year we recover Rs.3 crores, the acturial

Serial No.

rate will be less than 3 % (which will of course not be realised) I am only recording this to show that the rates proposed as betterment levy are much less than reasonable.

The Cabinet Sub Committee may think that there will be water rates in addition to the above. The water rates now proposed and which are before the Council for consideration ~~as~~ are as follows:-

Sugarcane - Rs.75 per acre
Paddy - Rs.30 per acre
Irrigated Dry Crop - Rs.15 per acre.

In case the Cabinet approves these rates, the annual income from the waters rates under these projects at the end of the Third Five Year Plan will be as follows:-

Sugarcane	- 1.69 lakh acres	X 75	=	127	lakhs
Paddy	- 2.95 " "	x 30	=	80	"
Irrigated Dry	- 7.01 " "	X 15	=	105	"
		Total		322	"

Roughly Rs. 3.2 crores.

Taking betterment levy and water rates together, the annual income will be about Rs.6.25 crores roughly. for a period of 20 years after which betterment levy ceases. It should be noted here that the figures worked out ~~XXXX~~ are to be achieved at the end of the Third Five Year Plan. For this, ~~will~~ we will have to spend at least another Rs.10 crores for constructing Field Channels and we have already sanctioned Rs.4 crores. This amount will have to be found by us in addition to the Rs.141 crores; i.e., our expenditure on the Major and Medium Irrigation Schemes will be roughly Rs.150 crores, giving us an annual return of Rs.6 crores for the next 20 years which will give us roughly 4%. I am recording all this to show that the rates proposed by us for betterment levey are very reasonable and ~~non-are~~ so also the water rates proposed ~~are~~

18

File No. PWD 137 G9 G62 of 196

Mysore Government Secretariat

Serial No. 2186/DS/(D)

The above figures do not include the maintenance charges and the servicing charges and when all these are deducted, our percentage return on investment may be about 2½% as against the 4½ we are paying to the Government of India.

At the end of the Third Five Year Plan we ~~might~~ will have paid roughly Rs.40 crores as interest alone to the Government of India before we start realising ~~our~~ betterment levy and water rates.

From the above figures it will be clear that what has been proposed as betterment levy and water rates are very meagre and have no relation to the return on capital; but we are only trying to get a small percentage on the money spent. I have specially linked up, ~~the~~ for F.M.'s information, the water rates problem with the betterment levy so that the actual implication may be seen, especially in view of the discussion that took place in the Council when the water rates were discussed the other day.

OFFICE OF THE CHIEF ... 27 FEB 1963 BANGALORE

279/75

21/2/63
G. MATHIAS
Secy. Fin. Deptt.

23/2/63

Secy PWD 23/2

W. S. BHARATH,
Budget Officer & Ex-officio
Dy. Secy., Fin. Dept.

Draft Council Note for approval

SECRETARY TO GOVERNMENT No GS 155 25 FEB 1963 PUBLIC WORKS & ELEC. DEPT.

CM.

P. J. FERNANDES,
Secy., P.W. & Elecy.

Mysore Government Secretariat

File No. 137819 of 1962 [App. F. III 2

Serial No. 36

The Secretary, Finance Department rang me up this morning and enquired about this file. I told him that the file has been marked to the Chief Minister for approval to the Draft Cabinet Note. He stated that the original note put up was meant for the Cabinet Sub-Committee for Irrigation and Power and that if this were to go to the Cabinet, we should incorporate in the Cabinet Note the remarks of the Finance Department ~~and~~ at para.32 and 33. He also stated that he would like to see the Cabinet Note before it is submitted to the Chief Minister.

37

I therefore withdrew the file from the Chief Minister's office and I have put up another Draft Cabinet Note incorporating the views of both the Law and Finance Departments for favour of approval to the Draft Cabinet Note.

279/15

(K.B. Murarappa)
Deputy Secretary to Government,
Public Works Department (Irrigation)

SECRETARY, P.W.&.E.
SECRETARY, F.D.
CHIEF SECRETARY.
CHIEF MINISTER.

G. MATHAI
Secy. Fin. Dept.

R. NARAYANA SWAMY
Chief Secretary to Government

38

C.S.

S. NIJALINGAPPA
Chief Minister.

2/3/63

Cabinet Secn.

CHIEF SECRETARY, No. 9300 18 FEB 1963 GOVERNMENT OF MYSORE

OFFICE OF THE CHIEF MINISTER 488 BANGALORE

CHIEF SECRETARY 2368 Note Contn. Sheet - 2 MAR 1963 GOVERNMENT OF MYSORE

20

PWD File No. 137 GJG of 1962.

Mysore Government Secretariat

Serial No.

39

MYSORE GOVT. SECRETARIAT
No. C 87/63
4 MAR 1963
COUNCIL SECTION

SECRET

Cabinet Case No. C. 87/63

Date 7-3-63

FOR CONSIDERATION AT
A MEETING OF THE CABINET

Cabinet Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

PWD 137 GIC 6

DRAFT CABINET NOTE

Betterment Levy Rules

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 has come into force from 1-9-1960. Rules for the levy of betterment contribution based on gross produce were also issued and brought into force on 23-3-1961. Five Betterment Levy Officers were also appointed for assessing the betterment levy contribution under the several major and medium irrigation projects in the State. In the course of the actual implementation of the Rules, the Betterment Levy Officers felt several practical difficulties because the assessment of betterment levy on the basis of gross produce of land was rendered difficult in the absence of reliable statistics in regard to the standard yield per acre of different crops in the several areas of the State. The Director of Agriculture who was expected to furnish these statistics required, could not give information. The Rules were also defective in certain respects. It was, therefore decided to modify the Rules in the light of the ~~up~~ experience gained by the Betterment Levy Officers. Since it was felt that the finalisation of the Betterment levy Rules would take appreciable time, orders of Govt. were issued to retrench the Betterment Levy Officers and their establishments temporarily, with effect from 1-2-1963.

Two sets of amended Rules were framed, one based on gross produce and the other based on market value. These two sets were forwarded to the Betterment Levy Officers for their comments. The Betterment Levy Officers worked out a few sample cases based on the two sets of Rules and furnished their remarks to Government. The remarks of these Betterment Levy Officers were

considered in a meeting held in the Chambers of the Secretary to Government, Finance Department on 4-2-1963 when the Divisional Commissioner, Bangalore and Mysore, the Secretary to Government, Public Works and Elect. and the Deputy Secretaries to Government, Law Department and Finance Department, were also present. The Betterment Levy Rules based on gross produce is more scientific and there should be no objection for its adoption. But these Rules are workable only after conducting crop-cutting experiments on the fields and ascertaining standard yields per acre for different crops in the several areas in the State and this would take two to three years and even thereafter the decision is bound to come under dispute. Till then, it is not possible to assess the betterment contribution and realise the revenue in this behalf. The easier mode of basing the levy on the market value of the land cannot be recommended since in certain areas where new projects have or are being constructed and irrigation has not developed, the market value will not reflect the real increase in the capital value. Moreover, the sales statistics to be obtained in the Sub-Registrars' offices cannot be taken as real, as in most cases the lands would have been under-valued by the persons with a view to reduce the expenditure on stamps and registration fees.

3 It is felt that both sets of Rules mentioned above are cumbersome and difficult for implementation in actual practice. Besides, they would require a heavy organisation for purposes of evaluation and collection of betterment contributions. It is learnt that during the recent tour of the Chief Minister in the Mysore Division, people had come forward to give betterment contribution in advance, in case Government were to sanction and take up irrigation projects

in that area. Taking into account this fact also it would be desirable to adopt a simpler method to levy betterment contribution on a flat rate basis. It is suggested that the contribution might be levie on the following basis:-

Sugarcane	..	Rs. 1,000 per acre
Paddy	..	Rs. 750 per acre
Irrigated dry crop		Rs. 350 per acre

This procedure is constitutional except that the present Levy of Betterment Contribution and Water Rate Act, 1957 should be amended suitably. It is felt that this method viz., levying contribution on a flat rate basis as mentioned above is the simplest one and can be very easily implemented. Moreover, the greatest advantage in this method is that it does not require elaborate organisation for its implementation.

The opinion of the Law Department is re-produced below:-

> "It is presumed that the value of the different categories of land subject to payment of betterment contribution will be more than the con tribution proposed to be levied thereon".

The opinion of the Finance Department is also re-produced below:-

"The presumption of the Law Department may be confirmed. The rates suggested will be below the market value of the lands. The betterment levy now proposed deals only with Major and Medium Irrigation Projects. Major Irrigation Schemes are those which cost more than Rs.5 crores each and Mediu Irrigation Projects are those which cost between Rs.10 lakhs and Rs.5 crores each. The total expendi- ture already incurred and that will now be incurr ed on these schemes till the end of the Third Five

Year Plan is as follows:-

To the end of First Plan	Rs.37.28 crores (Including Tunga-Bhadra).
Second Five Year Plan	Rs.63.96 crores
Third Five Year Plan (Plan provision).	Rs.40.66 Crores
	Rs.141.90 Crores

The extent of land to be brought under cultivation at the end of Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficulties in cent per-cent realisation, the definitely anticipated area that will come under irrigation is 11.65 lakhs acres, made up as follows:-

Sugarcane	1.69 lakh acres
Paddy	2.95 " "
Irrigated Dry crops.	7.01 " "
	11.65 " "

If the betterment levy is charged at the rates as proposed in the Council Note, the figures, when worked out, will be as follows:-

Sugarcane - @ Rs.1,000 per acre - 1.69 lakhs x 1,000
Rs. *= 16.90 crores

Paddy - @ Rs.750 per acre - 2.95 lakhs x 750
Rs. *= 22.25 crores

Irrigated Dry Crops - @ Rs.350 per acre - 7.01 x 350
Rs. *= 25.00 crores

*Total Rs. 64.15 crores

or roughly Rs.64 crores.

If we recover this amount over a period of 20 years, the annual amount recovered will be Rs.~~3.05~~ 3.20 crores.

It will be seen from the above figures that although prima facie the figures may look very big, annually we get ~~only~~ Rs.3 crores which works to ~~about~~ 2% on the capital invested. Taking into account the

fact that every year we recover Rs.3 crores, the ~~acturial~~ rate will be less than 3% (which will ~~be~~ of course not be realised). ~~I am only recording this to show~~ This is recorded only to show that the rates proposed as betterment levy are much less than reasonable.

The Cabinet may think that there will be water rates in addition to the above. The water rates now proposed and which are before the Cabinet for consideration are as follows:-

Sugarcane	---	Rs.75 per acre
Paddy	---	Rs.30 per acre
Irrigated Dry Crop	---	Rs.15 per acre

In case the Cabinet approves these rates, the annual income from the water rates under these projects at the end of the Third Five Year Plan will be as follows:-

Sugarcane	- 1.69 lakh acres	x 75	= 127	lakhs
Paddy	- 2.95 " "	x 30	= 90	"
Irrigated dry	- 7.01 " "	x 15	= 105	"
		Total	322	"

Roughly, Rs. 3.20 crores.

Taking betterment levy and water rates together, the annual income will be about Rs.6.20 crores roughly, for a period of 20 years, after which betterment levy ceases. It should be noted here that the figures worked out are to be achieved at the end of the Third Five Year Plan. For this, we will have to spend at least another Rs.10 crores for constructing Field Channels and we have already sanctioned Rs.4 crores. This amount will have to be found by us in addition to the Rs.141 crores; i.e., our expenditure on the Major and Medium Irrigation Schemes will be roughly Rs.150 crores, giving us an annual return of Rs.6 crores for the next 20 years which will give us roughly 4%. All this is

[illegible]

[illegible]

[illegible]

[illegible]	---	[illegible]
[illegible]	---	[illegible]
[illegible] dry [illegible]	---	[illegible]

[illegible]

[illegible]	- 1.[illegible] lakh acres	x 70	= [illegible]	[illegible]
[illegible]dy	- 2.98 "	" x 80	= 90	"
Irrigated dry	- 7.01 "	" x 15	= 105	"
		Total	395	"

[illegible] 7.5 crores.

[illegible]

[illegible] 70 crores [illegible] - media and so more [illegible] amount will have to be [illegible] 7.01 crores; i.e., our expenditure on the [illegible] irrigation [illegible] will be roughly 7.50 crores, giving us an annual return of 5.6 crores for [illegible] will, i.e., [illegible] be

recorded to show that the rates proposed ~~by~~ now for betterment levy are very reasonable and so also the water rate, ~~proposed~~ proposed.

The above figures do not include the maintenance charges and the servicing charges and when all those are deducted, our percentage return on investment may be about 2½% as against 4½% the State Government is paying to the Government of India.

At the end of the Third Five Year Plan the State Government will have paid roughly Rs.40 crores as interest alone to the Government of India before realising anything substantial by way of betterment levy and water rates.

From the above figures it will be clear that what has been proposed as betterment levy and water rates are very meagre and have no relation to the return on capital; but ~~x~~ we are only trying to get a small percentage on the money spent. ~~This~~ The water rate~~s~~ problem has been specially linked up with the betterment levy so that the actual implication may be seen especially in view of the discussion that took place in the Council when the water rates were discussed recently.

The subject is put up for the consideration of the Cabinet for approval to the method suggested above, for fixing betterment contribution under various projects at the rates proposed in para.3 above.

SECRETARY TO GOVERNMENT,
PUBLIC WORKS & ELECL. DEPARTMENT

[illegible] to [illegible] that the [illegible] [illegible] for [illegible] [illegible] [illegible] very [illegible] [illegible] [illegible] [illegible] rate ~~[illegible]~~ proposed.

[illegible] figures do not include the [illegible] charges and the corresponding charges will when [illegible] are deducted, our percentage return on investment [illegible] be about 2½% as against 4½ the State Government [illegible] paying to the Government of India.

At the end of the Third Five Year Plan the State Government will have paid roughly 7.40 crores as interest alone to the Government of India before realising anything such [illegible] by way of better [illegible] levy and water rates.

[illegible] above figures it will be clear that [illegible] from proposed [illegible] levy and water rates are very [illegible] have no relation to the return on capital; all we are only trying to get [illegible] percentage [illegible] spent. With the water rate's problem has been specially linked up with the betterment levy so that the actual implication [illegible] be seen especially in view of the discussion that took place in the Council when the water rates were discussed recently.

The subject is put up for the consideration of the [illegible] [illegible] fixing betterment contribution under [illegible] [illegible] proposed [illegible] above.

SECRET

1 9 6 3

CABINET NOTE

Subject:- C.87/63. Betterment Levy Rules.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 has come into force from 1-9-1960. Rules for the levy of betterment contribution based on gross produce were also issued and brought into force on 23-3-1961. Five Betterment Levy Officers were also appointed for assessing the betterment levy contribution under the several major and medium irrigation projects in the State. In the course of the actual implementation of the Rules, the Betterment Levy Officers felt several practical difficulties because the assessment of betterment levy on the basis of gross produce of land was rendered difficult in the absence of reliable statistics in regard to the standard yield per acre of different crops in the several areas of the State. The Director of Agriculture who was expected to furnish these statistics required, could not give information. The Rules were also defective in certain respects. It was, therefore, decided to modify the Rules in the light of the experience gained by the Betterment Levy Officers. Since it was felt that the finalisation of the Betterment levy Rules would take appreciable time, orders of Government were issued to retrench the Betterment Levy Officers and their establishments temporarily, with effect from 1-2-1963.

2. Two sets of amended Rules were framed, one based on gross produce and the other based on market value. These two sets were forwarded to the Betterment Levy Officers for their comments. The Betterment Levy Officers worked out a few sample cases based on the two sets of Rules and furnished their remarks to Government. The remarks of these Betterment Levy Officers were considered in a meeting held in the Chambers of the Secretary to Government, Finance Department on 4-2-1963 when the Divisional Commissioners, Bangalore and Mysore, the Secretary to Government, Public Works and Electrical Department and the Deputy Secretaries to Government, Law Department and Finance Department, were also present. The Betterment Levy Rules based on gross produce is more scientific and there should be no objection for its adoption. But these Rules are workable only after conducting crop-cutting experiments on the fields and ascertaining standard yields per acre for different crops in the several areas in the State and this would take two to three years and even thereafter the decision is bound to come under dispute. Till then, it is not possible to assess the betterment contribution and realise the revenue in this behalf. The easier mode of basing the levy on the market value of the land cannot be recommended since in certain areas where new projects have or are being constructed and irrigation has not developed, the market value will not reflect the real increase in the capital value. Moreover, the sales statistics to be obtained in the Sub-Registrar's offices cannot be taken as real, as in most cases the lands would have been under-valued by the persons with a view to reduce the expenditure on stamps and registration fees.

3. It is felt that both sets of Rules mentioned above are cumbersome and difficult for implementation in actual practice. Besides, they would require a heavy organisation for purposes of evaluation and collection of betterment contributions. It is learnt that during the recent tour

p.t.o.

of the Chief Minister in the Mysore Division, people come forward to give betterment contribution in adva in case Government were to sanction and take up irri projects in that area. Taking into account this fa it would be desirable to adopt a simpler method to betterment contribution on a flat rate basis. It i gested that the contribution might be levied on the ing basis:-

Sugarcane	..	Rs.1,000 per acre.
Paddy	..	Rs. 750 per acre.
Irrigated dry crop.	..	Rs. 350 per acre.

4. This procedure is constitutional except that t present Levy of Betterment Contribution and Water Ra 1957 should be amended suitably. It is felt that t method viz., levying contribution on a flat rate ba as mentioned above is the simplest one and can be v easily implemented. Moreover, the greatest advanta this method is that it does not require elaborate o tion for its implementation.

5. The opinion of the Law Department is re-produc below:-

> "It is presumed that the value of the differen categories of land subject to payment of betterment contribution will be more than the contribution proposed to be levied thereon".

6. The opinion of the Finance Department is also produced below:-

"The presumption of the Law Department may be The rates suggested will be below the market value lands. The betterment levy now proposed deals only Major and Medium Irrigation Projects. Major Irriga Schemes are those which cost more than Rs.5 crores each and Medium Irrigation Projects are those which cost between Rs.10 lakhs and Rs.5 crores each. The total expenditure already incurred and that will now be incurred on these schemes till the end of the Third Five Year Plan is as follows:-

To the end of First Plan.	Rs.37.28 crores (including Tunga-Bhadra).
Second Five Year Plan	Rs.63.96 crores
Third Five Year Plan (Plan provision).	Rs.40.66 crores.
	Rs.141.90 Crores.

The extent of land to be brought under cultivation at the end of Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficultie in cent per-cent realisation, the definitely anticipate area that will come under irrigation is 11.65 lakhs acr made up as follows:-

Sugarcane	1.69 lakh acres.
Paddy	2.95 " "
Irrigated Dry Crops.	7.01 " "
	11.65 " "

If the betterment levy is charged at the rates as proposed in the Cabinet Note, the figures, when worked out, will be as follows:-

Sugarcane	- @ Rs.1,000 per acre - 1.69 lakhs x 1,000	= Rs.16.90 cro
Paddy	- @ Rs. 750 per acre - 2.95 lakhs x 750	= Rs.22.25 cro
Irrigated Dry Crops.	- @ Rs. 350 per acre - 7.01 lakhs x 350	= Rs.25.00 cro
		Rs.64.15 cro

Or, roughly Rs.64 Crore

If we recover this amount over a period of 20 years, the annual amount recovered will be Rs.3.20 crores.

7. It will be seen from the above figures that although prima facie the figures may look very big, annually we get Rs.3 crores which works to about 2% on the capital invested. Taking into account the fact that every year we recover Rs.3 crores, the accrual rate will be less than 3%(which will of course not be realise This is recorded only to show that the rates proposed as betterment levy are much less than reasonable.

8. The Cabinet may think that there will be water rate in addition to the above. The water rates now proposed and which are before the Cabinet for consideration are a follows:-

Sugarcane	---	Rs.75 per acre
Paddy	---	Rs.30 per acre
Irrigated Dry Crop		Rs.15 per acre

In case the Cabinet approves these rates, the annual inc from the water rates under these projects at the end of the Third Five Year Plan will be as follows:-

Sugarcane	- 1.69 lakh acres	x 75	=	127 lakhs
Paddy	- 2.95 " "	X 30	=	90 "
Irrigated Dry crop	-7.01 " "	x 15	=	105 "
			Total	322 "

Roughly, Rs.3.20 crores.

Taking betterment levy and water rates together, the ann income will be about Rs.6.20 crores roughly, for a peric of 20 years, after which betterment levy ceases. It shc be noted here that the figures worked out are to be achi at the end of the Third Five Year Plan. For this, we wi have to spend at least another Rs.10 crores for construc ing Field Channels and we have already sanctioned Rs.4 crores. This amount will have to be found by us in addi tion to the Rs.141 crores; i.e., our expenditure on the Major and Medium Irrigation Schemes will be roughly Rs.150 crores, giving us an annual return of Rs.6 crores for the next 20 years which will give us roughly 4%. Al this is

....4/-

All this is recorded to show that the rates proposed now for betterment levy are very reasonable and so also the water rates proposed.

9. The above figures do not include the maintenance charges and the servicing charges and when all those are deducted, our percentage return on investment may be abou 2½% as against 4½% the State Government is paying to the Government of India.

10. At the end of the Third Five Year Plan the State Government will have paid roughly Rs.40 crores as intere alone to the Government of India before we start realisi anything substantial by way of betterment levy and water rates.

11. From the above figures it will be clear that what has been proposed as betterment levy and water rates are very meagre and have no relation to the return on capital; but we are only trying to get a small percenta on the money spent. The water rates problem has been specially linked up with the betterment levy so that the actual implication may be seen especially in view of the discussion that took place in the Council when the water rates were discussed recently".

12. The subject is put up for the consideration of the Cabinet for approval to the method suggested above, for fixing betterment contribution under various project at the rates proposed in para 3 above.

(K.B.Murarappa) 7.3.62
for Secretary to Government,
P.W.Department.

SECRET

Extract from the Proceedings of the Fifteenth *Meeting of the Cabinet of Ministers held at Bangalore on* 11th March *19*63.

SECRETARY TO GOVERNMENT
No G9155
11 MAR 1963
PUBLIC WORKS & ELEC. DEPT.

Subject:- Betterment Levy Rules.

DECISION OF CABINET.

Principles accepted so far as Major and Medium irrigation projects are concerned. Regarding minor irrigation, flat rate of Rs.400(Four hundred) may be accepted and levied. etails may be worked up.

(Sd)S.Nijalingappa,
Chief Minister.
11-3-1963.

Serial No.

44

PWD (G-1)

Please see the Cabinet Note and the Decision of the Cabinet. In the Cabinet Note it was proposed to levy Betterment Contribution in respect of Major and Medium projects at the following flat rates:—

Sugar cane	Rs 1000 per acre
Paddy	Rs 750 per acre
Irrigated dry crop.	Rs 350 per acre

The Cabinet has approved the above rates for Major & Medium projects. In respect of lands benefitted by the Minor Irrigation Projects, it has been decided to levy Betterment Contribution at the flat rate

34e

File No. of 196 . Mysore Government Secretariat

Serial No.

Govt Lr dt for acre

45 This now necy: to amend the Act of 1957, particularly Sec. 4 of the Act and also to frame Revised Rules.

These pts: may be referred to the L.D. for necy: action.

Sd
18-3-63

Sd
19/3/63

~~DS~~ ~~J.S~~ L.D

20.3.63
D.A.
Officer on Special Duty P.W.D.

Lr file returned as desired

PWD MWL 15/4

47 C.S. wanted this file.

Sec PWD&E
C.S.

Sd
15/4

Sd
15/4

48. Was discussed in the Cabinet Sub Comm meeting yesterday. May be sent to PWD for urgent action

Sd
17/4/63

7.12

MYSORE RECD
20 MAR 1963
Sec 3

G
M/3
T.K. Sen

B2
23/3
US(DI) MWL 23/3

DS
dawn
25/3/63

6105
25.3.63

WD 010154—GPB—PZS—8,00,000—1-10-61

267/Law 7

Serial No.

49 The L.D. may now see again for immediate necessary action. That Dept is requested to prepare Revised draft Rules & also an amendment to the Betterment Levy Act, expeditiously.

The matter may kindly be treated as immediate

18/4/63

50 The subject was discussed at the Cabinet meeting held on 16-4-1963. The Cabinet desired that the revised Betterment Levy Rules ~~may~~ should be finalised within 15 days' time. If necessary, the Superintendent of the General Irrigation Section, PWD will be deputed specially for this work to assist the concerned officer in the Law Department, in drafting of the revised Betterment Levy Rules. The Deputy Secretary to Government, Law Department may kindly see that the time limit mentioned above is strictly adhered to.

18/4/63

(K.B. Murarappa)
Deputy Secretary to Government,
Public Works Department (Irrigation)

Sri M.A. Srikrishna.
Dy. Secy.,
Law Dept.

MYSORE GOVT. SECRETARIAT No 3628 22 APR 1963 LAW DEPARTMENT (REGISTRAR I)

No. 267 18 APR 1963 DEPUTY SECRETARY LAW DEPARTMENT

Note.—Contn. Sheet

MAK 18/4/63

u/s DI 19/4/63 19/4 RCKR 20/4/63

File No. of 196 .

Mysore Government Secretariat

Serial No.

267/Law VA

51) As stated in para 4 of the Cabinet note, the Act will have to be amended suitably before the rules can be made.

52) A draft Bill will therefore be prepared now, and after it is approved and enacted, the draft rules can be prepared in accordance with the provisions of the Act. It is not legally possible to make rules under the present Act ~~to implement the~~ as suggested in para 50.

The P.W. Dept. may be informed accordingly.

Law Secy) 1/5/63

(53)

SECRETARY TO GOVT. No. 665 LAW DEPARTMENT

2/5

2/5/63

Mysore Government Secretariat | File No. of 196 | [App. F. III 2

Serial No.

INSTRUCTIONS IN THE CABINET MEETING HELD ON WEDNESDAY THE 1st May 1963.

---

(54) At the last Cabinet Meeting held on 16th Apr 1963, it was decided that the Betterment Levy Rules should be got approved and issued within a fort night. Immediate action should be taken to see that these Rules are finalised and issued with the approval of the Minister for Public Works.

MYSORE GOVT. SECRETARIAT No. 40 49/63 1 MAY 1963 G. A. D. (COUNCIL SECTION)

Secy., PWD., for immediate action.

SECRETARY TO GOVERNMENT No. 0 D 9 6 7 2 - MAY 1963 PUBLIC WORKS & ELEC. DEPTT.

(55) D/S (S)

I telephoned to the Law secy. He informed me that L.D. had attended to the case & file sent to us.

Ch 2/5

SECRETARY P. W. DEPTT. No. 6 0 7 0 3 - MAY 1963 GOVERNMENT OF MYSORE

Today 1 X X T. 3/5

Ds

MYSORE GOVT. SECRETARIAT No. 3 8 2 1 - 4 MAY 1963 P. W. D. (GENERAL SECTION)

(56) Sri Nuranappa N.S./Durgaiah

et

Shri Sri 3/5/63

instructions in the Cabinet Meeting held on Wednesday the 1st May 1963.

---

(57) At the last Cabinet Meeting held on 16th April 1963, it was decided that the Bettermen Rules should be got approved and issued withi night. Immediate action should be taken to these Rules are finalised and issued with the of the Minister for Public Works.

(Sd) K.Narayanaswamy
1-5-1963.
Chief Secretary.

Secy., PWD.,
for immediate action.

---

(58) Copy submitted to the Minister for Pub Works, for information.

1-5-1963.
Chief Secretary.

(59) If the rules are finalis they may be issued immediately

V. Gowda
3/1

(VEERENDRA
Minister for Pub

Secy P.W+E)

(60) Let we have in file

61) Attention is invited to the decisions taken in the Cabinet Meeting held on 16th April '63 which are placed below. The Cabinet is very anxious to see that the Betterment Levy Rules are framed without any delay. I understand the difficulty in enforcement of these Rules without the necessary amendment to the Act itself. We are taking separate steps to introduce the amendment in the ensuing Session, but the framing of the Rules should not be held up for want of this amendment. The intention is that as soon as the amendment comes into force the Rules must be ready for enforcement. May I request the Law Secretary to devote his personal attention and issue instructions to his Officers to give to this important item of work Top Priority?

LAW SECRETARY)

LAW DEPARTMENT

62) The Administrative Department have suggested that the Law Department may prepare draft rules on the basis of an amendment to be made to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 25 of 1957). Since rules a what are called subordinate legislation, unle the provisions of the Act to implement which such rules have to be made are known, it will not be possible to draft the rules. The Administrative Secretariat may first finalise the amendments to the Act, and then prepare t draft rules and refer them to the Law Department in accordance with the procedure laid do in Mysore Government Secretariat Instruction

919/DSR
407 LAW VII/63

Serial No.

63) The officers of the Law Department will be instructed to give this item of work 'Top priority' as soon as the papers are received with the necessary amendments to the Act, and the draft rules prepared by the P.W.Department.

(R.Sanjeevalu)
w Secretary (I/c)
(9-5-1963)

Law Minister)

OFFICE OF THE MINISTER FOR LAW, BANGALORE.
NO. 1149
09 MAY 1963

Betterment Levy is a subject that pertains to the Public Works Department. The Cabinet decision taken on 11-3-1963 accepts the general principles of the proposed levy and directs that the details may be worked out. It is to be known whether this has been done by the Administrative Secretariat which deals with the subject of Betterment Levy. Specific proposals for amending the Act and for revising the Rules so as to secure the desired object have to originate in the Administrative Secretariat. The Law Department will do everything possible to assist the Administrative Secretariat to carry out the Cabinet decision. Noting such as is contained in para 50 may however be avoided.

65) 9-5-63

66) 10/5

67) 13/5/63

68) 16/5/63

SECRETARY TO GOVERNMENT
No.....
16 MAY 1963
PUBLIC WORKS & ELEC. DEPT.

Note.—Contn. Sheet

Serial No.

69) The noting in para 50 was recorded in view of the decision taken by the Cabinet at its meeting held on 16.4.63. Kindly see item 3 on page 132(a).

70) I have placed below —

(1) A draft of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Act 1963 — Flag 'A'.

and (2) A draft of The Mysore Irrigation (Levy of Betterment contribution) Rules 1963 (Revised) — Flag 'B'

for favour of perusal.

(71) L. D. may be requested to scrutinise them.

17.5.63
K. B. MURARAPPA,
Deputy Secretary to Govt., PWD (Irrigation)

Secy (PWD)

Serial No.

(72) I have gone through the draft amendments proposed to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 and have made certain corrections, having found a few words redundant.

(73) Proviso proposed in the substitution clause (1) under Section 4 may invoke litigation, resulting in inordinate delay in finalising the amount of contribution to be levied upon the lands. The Law Department may kindly consider whether the proposed proviso can be deleted.

(74) I have also gone through the draft Betterment Levy Rules. As regards the definition of the Betterment Levy Officer provided in the draft sub-rule (b) of Rule (3), it is proposed to define the Deputy Commissioner as the Betterment Levy Officer for Major and Medium Irrigation Works and also for works which command areas spread over more than one Sub-Dn. It appears to me that the Deputy Commissioner being a busy Officer will not be able to devote attention this work warrants. It would, therefore be better if the Asst. Commissioners may be defined as the Betterment Levy Officers in respect of the areas covered by a Particular Project, ~~following~~ falling within their jurisdiction.

(75) In draft Rule (18), it has been proposed that the annual instalment of the Betterment contribution shall be payable on or before 30th June. The month of June, generally being a lean month, so far as the Agriculturists is concerned, major portion of his production from

Serial No.

the lands would have disappeared in some form or the other, and as a result he would be left with little to pay towards the instalment due from him. It has been my bitter experience that the cultivators who have been allowed to pay land revenue as late as June are the largest among the defaulters. It is, therefore, suggested that April should be the traget month for the payment of Betterment Contribution. Law Department may kindly see for favour of further action. In view of urgency, I need not emphasise the urgency.

905/LS/14/6/63

Chandappa

CHANDAPPA PATEL,
Secy., P.W. & Elecy. Deps.

D (Sri Sanjeevaiah)

SECRETARY TO GOVERNMENT No G9630 20 MAY 1963 PUBLIC WORKS & ELEC. DEPT.

(76) A draft Ordinance has been prepared desired by the P.W. Dept. and after discussion with Sri. Murardappa, Dy. Secy, P.W. Dept.

SECRETARY TO GOVERNMENT No 727 20 MAY 1963 LAW DEPARTMENT

(77) As both Houses of the Legislature are in session, both or either of them will have to be prorogued by the Governor before the Ordinance is promulgated.

x x x Drafting in 20/5

983/NSE 20.5.63 Mas 20/5/63

(78) The prorogation of the Legislature and promulgation of an Ordinance are Cabinet matters and decisions of the Cabinet are therefore necessary.

24/5 - DI 24/5 20/5/63 Sri R.K.R. 21/5/63

(79) The draft Ordinance will have to be considered by the Scrutinising Committee before being placed before the Cabinet.

MYSORE GOVT. SECRETARIAT 22 MAY 1963 REGISTRAR

Mas 14/6/63

Law Secy. H.N.R. 14/6

Secy P.W.D.

Mas 14/6/63

1094/

Serial No.

(80) The draft amendment to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 has been prepared which has also been scrutinised by the Law Department. During the informal discussion in the Cabinet Meeting held on 14-6-'63, the Finance Minister kindly informed that the enforcement of the Amendment Act should be done immediately, if need be, through an Ordinance. The Law Department have prepared a draft of the Ordinance to amend the said Act which is placed below for perusal.

(81) It may be submitted that an amendment can be passed ~~through or~~ by an Ordinance if the Legislative Council and the Legislative Assembly either of them are not in session. It appears both the Houses of the Legislature are in sessio they have not been prorouged. If the Ordinance to be promulgated the Legislature will have to b prorouged. This is a matter to be decided by t Cabinet.

(82) I may also submit that the draft Rules will be finalised after the amendment to t Act is finalised.

Chanda 15/6

CHANDAPPA PATEL
Secy., P.W. & Elecy.

CHIEF MINISTER)

(83) Bring up tomorrow for informal discussion before this is formally placed before cabinet.

15/6/63

S. NIJALINGAPPA
Chief Minister

(84) It may be brought up before the next meeting of the cabinet

15/6/63 Secy., PWD. 19/6

(85) 19/6

SECRETARY TO GOVERNMENT No. 19 JUN 1963 PUBLIC WORKS & ELEC. DEPT.

SECRETARY TO GOVERNMENT No. G.T. 919 15 JUN 1963 PUBLIC WORKS & ELEC. DEPT.

OFFICE OF T No. 3517 15 JUN 1963

MYSORE GOVT. SECRETARIAT No. 72/63 Note & Copy Sheet 15 JUN 1963 G.A.D. (COUNCIL SECTION)

45

File No. of 196 .

Mysore Governme Secretariat

Serial No. (86)

Ref: para 8th ante.

The file is submitted for informal discussion in the Cabinet. (87)

25/6

CHANDAPPA PATEL,
Secy., P.W. & Elecy. Dept.

SECRETARY TO GOVERNMENT
No G.9 964
25 JUN 1963
PUBLIC WORKS & ELEC. DEPT.

C.P. Pl. circulate the ~~Cabinet Note~~ Draft Ordinance urgently ~~today~~ (88)

C.A.

CHIEF SECRETARY
No. 6662
25 JUN 1963
GOVERNMENT OF

MYSORE GOVT. SECRETARIAT
No. C.174/63
25 JUN 1963
G.A.D. (COUNCIL SECTION)

SECRET

Cabinet Case No. C.174/63

Date 26-6-63

FOR CONSIDERATION AT
A MEETING OF THE CABINET
on 30-6-63.

Cabinet Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

SECRET.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) ORDINANCE, 1963.

An Ordinance further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS neither the Mysore Legislative Assembly nor the Mysore Legislative Council is in session and the Government of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957);

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Mysore is pleased to promulgate the following Ordinance:-

1. Short title.- This Ordinance may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Ordinance, 1963.

2. Amendment of section 2.- In sub-section (1) of section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957) hereinafter referred to as the principal Act), after clause (f), the following clauses shall be and shall be deemed always to have been inserted, namely:-

(f-1) "major irrigation work" means an irrigation work costing more than rupees five crores;

(f-2) "medium irrigation work" means an irrigation work costing more than rupees ten lakhs and not more than rupees five crores;

(f-3) "minor irrigation work" means an irrigation costing not more than rupees ten lakhs;"

3. Amendment of section 4.- In section 4 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be and shall be deemed always to have been substituted, namely;-

"(1) Subject to such rates as may be prescribed, puty Commissioner shall determine the contribution e

(i) in respect of each of the lands mentioned in section 3 benefited or deemed to be benefited by a major irrigation work or a medium irrigation work, on the basis of the kind of crop grown or which can be grown on such lands.

(ii) in respect of each of the lands mentioned in section 3 benefited or deemed to be benefited by a minor irrigation work, on the basis of the cost of the work;

Provided that the contribution shall in no case exceed the value of the land subject to payment of betterment contri-

p.t.o.

contribution:

Provided further that -

(a) the total contribution leviable under clause (ii) shall not exceed the cost of the work concerned; and

(b) the rate of contribution leviable under clause (ii) may be at a uniform rate for all lands benefited or deemed to be benefited by all minor irrigation works.

(2). Before determining the contributions payable under sub-section (1), the Deputy Commissioner shall serve a copy of the draft order proposed to be made on the persons liable to pay the contribution, and consider any objections received from them."

The above draft Ordinance is for approval of the Cabinet.

Chandappa 25/6/63

(Chandappa Patel),
Secretary to Government,
Public Works Department.

H.S.N.Rao)

Extract from the Proceedings of the....THIRTY FIRST.....Meeting of the Council of Ministers held at Bangalore on....26th June.....19..63....

Subject:- C.174/63.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate)(Amendment) Ordinance. 1963.

DECISION OF CABINET.

89) May be scrutinised by the L.D. The question of including Water rate also may be considered.

Sd/- S.Nijalingappa,
26-6-1963,
Chief Minister.

Secretary,
P.W.D.

90) U. Ugent

Ch
26/6

SECRETARY TO GOVERNMENT
No.....
26 JUN 1963
PUBLIC WORKS & ELEC. DEPT.

XXX

91) As desired by the Secy P.W.&E, the t
is forwarded to the Law Dept, for get
The Mysore Irrig (Levy of Betterment Contribu
and Water Rate) (Amendment), Ordina
Scrutinised by the Scrutiny Commit

Secy P.W.&E

Secy L.D

MYSORE GOVT. SECRETARIAT
No. 572
27 JUN 1963
LAW DEPTT. (REGISTRATION)

"EXTRACT"

Deputy ~~Chief~~ Secretary to Government. GAD.

26.6.63

Please make copies and put up

The Mysore Irrigation (Levy of Betterment contribn and Water Rate) (Amendment) ordinance, 1963

Mysore Government Secretariat

[App. F. III 2

File No. PWD 137 GIG 62 of 196 LAW 30 LGN 63

Serial No.

94. Copies of the ordinance are put up below as ordered at para 95 ante.

95 Submitted for fixing up a date for convening the meeting of the Scrutinizing com to consider the ~~ab~~ ordinance.

1045/LS 29/6/63

LAW DEPARTMENT — EX OFFICIO DEPUTY SECRETARY — No. 1291 — 29 JUN 1963

x/s - ~~DI~~) ~~95~~) MJL 28/6

ChR 28/6/63

28/6/63

96) May be submitted to the Minister Law for orders.

Law Secy) For orders. mas 29/6/63

97) H.M.R. 29/7

Hon. Am. L)

OFFICE OF THE MINISTER FOR LAW — No. 1565 — 1 JUL 1963 — BANGALORE.

98 We may have the meeting of the Scrutinizing Committee on 5-7-63 at 2 P.M. if it suits the Minister for P.W.

MVR 1-7-63

OFFICE OF THE MINISTER FOR PUBLIC WORKS — No. 1502 — 2 JUL 1963 — BANGALORE.

99) H.M.R. 1/7

100) mas 2/7/63

~~Hon M P W~~

Hon Mr P.W.)

101) yes please. V. Gowda 3/7

OFFICE OF THE MINISTER FOR PUBLIC WORKS — 3 JUL 1963 — BANGALORE.

(VEERENDR
Minister for F

OFFICE OF THE MINISTER FOR LAW — No. 1608 — 4 JUL 1963

(102) MVR 4-7-63

103) H.M.R. 5/7

—Contn. Sheet

The Mysore Irrigation (Levy of Betterment contri and Water Rate (Amendment) Ordinance, 196

w 30 LGN 63

File No. DWD 137 GIGG of 196.

Mysore Go.....
Secretariat

Serial No. 104

Draft and fair of letters addressed to the members of the Scrutinising committee are put up for approval and signature.

U/S-DI-(S)

Issue.

5/7/63

Issued
5/7/63

105

The draft Ordinance was considered at a meeting of the Scrutinising Committee held in the Chambers of the Minister for Law on 5-7-63. The Minister for Law, the Minister for Public Works, the Secy to Govt., Law Dept., the Secy to Govt., P.W. Dept., the Secy to Govt., Revenue Dept., the Joint Secy, Law Dept., the Deputy Secy, Finance Dept., the Deputy Secy, P.W. Dept (Irrigation), the Deputy Draftsman, Law Dept., and the Asst Draftsman, Law Dept. were present.

06

The provisions proposed to be made in section 4 of the Act by clause 3 of the draft Ordinance were carefully considered. It was felt that it may be difficult for the Deputy Commissioner to determine the kind of crop which can be grown on different lands. As regards the proposed sub-section (2) of section 4, requiring service of a copy of the draft order proposed to be made on the persons ... pay the contribution, the Revenue

Serial No.

Revenue Secy, the Public works secy and the Deputy secy, Finance Dept, were of the opinion that such a procedure would unduly delay the levy and collection of the betterment contribution. But in the light of the decision of the Supreme Court in Thathunni Moopil Nair vs. State of Kerala (A.I.R. 1961 S.C. 552), the Law Dept. officers pointed out that it would be difficult to sustain a levy of tax where the party affected is not given any opportunity to make his representations. After some discussion the Law Dept. officers were directed to prepare a revised draft specifying therein the rates of betterment contribution payable in respect of different classes of land, and giving an opportunity to the affected landholder to question the levy when the contribution payable by him is more than the increase in the market value of the land.

107. After taking into consideration the observations of the Supreme Court in the decision referred to above and in the decision in Jagannath Baksh Singh vs State of Uttar Pradesh (A.I.R. 1962 S.C. 1563), and also the observations of the Kerala High Court in V. Padmanabha vs. Deputy Tahsildar, Chittur (A.I.R. 1963 Kerala 155),

a

File No. LAW 30 LGN 63 of 196

Mysore Government Secretariat

Serial No. 1291/LSD

a revised draft Bill has been prepared.

Law Secy) Mas 22/7/63

Deputy Secretary, Law

1236/LS 23/7/63.

108

The revised draft Bill may be considered by R.D, and F.D and P.W.D at the first instance and then the Scrutinising Committee be called.

H.N.R 24/7

P.W.D
R.D.
F.D.

109

The Law Department has prepared a draft Bill for amending the Mysore Irrigation (Levy of Betterment Contribution and Water Rate), 1957. The Draft has decided on the following rates:-

Major and Medium Projects.

Garden	Rs.1000 per acre
Dry	Rs. 750 per acre
Irrigated dry crop.	Rs.300 per acre.

Minor Irrigation Projects.

Flat rate of Rs.400 per acre.

In the draft Bill now prepared, the following rates

Serial No.

Major and Medium Projects.

(i) Rs.1000 per acre for lands benefitted b perennial supply of water.

(ii) Rs.750/-per acre in respect of lands benefitted seasonally.

(iii) Rs.400/-per acre for lands benefitted by supply

(iv) Rs.350/-per acre in respect of lands benefitted by a minor irrigation work.

Since the rates specified in the draft Bill differ from those decided by the Cabinet, it is necessary to place the matter again before the Cabinet for approval to the above

110 The Chief Minister has directed at para 89 that the question of including water rate in the Draft Bill may also be considered. The question of water rates has not yet been decided. The decision on that

111 In accordance with the Revenue Department Memo. No.RD 124 EGO 61, dated 28-11-1962, the Additional Deputy Commissioners are required to be empowered to function as Deputy Commissioners. For this purpose, Sec.2 of the Betterment Levy Act 1957 may be amended as follows:-

"Collector means the Collector or Deputy Commissi of a District".

The Revenue Department may see this.

112 The Revenue Department and Finance Department may see the draft Bill for immediate remarks.

113. **With reference to paragraph 109 of the notes, the rates mentioned in the Draft Bill have been corrected to be in accordance with those decided by the Cabinet.**

25-7-63 D.S.

114. **As regards inserting "Explanation III after Explan tion II under Section 3" in the Draft Bill, it has to b**

Serial No.

mentioned that there is a separate file wherein the question of deletion of clause 10A of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 is being considered. It is proposed in that file to address ~~him~~ a letter to the Government of India for the deletion of that clause. In view of that, it may not be desirable to insert the Explanation III under Section 3 in the Draft Bill.

Revenue Secretary and Dy. Secy. FD (Budget) may please see for immediate remarks and forward the file to Dy. Secy. Law Department. 115.

(K.B. Murarappa)
Deputy Secretary to Government,
Public Works Department (Irrigation)

Shri M. Narasimha Rao, I.A.S.
Secretary to Govt. Revenue Dept.

Shri N.S. Bharath
Dy. Secy. to Govt. F.D. (Budget)

Shri M.A. Sri Krishna
Dy. Secy. to Govt. Law Department.

(116) 1/8/63
M. NARASIMHA RAO, Rev.

(117) 1/8
N. S. BHARATH,
Budget Officer & Ex-Officio

116.

117.

Copies of the Bill have been made and placed in the file. For orders regarding the date and time of the Scrutinising Committee to consider the revised draft Bill.

Reg: Para 108.

118.

119

REVENUE SECRETARY No. 7518 JUL 1963 GOVT OF MYSORE

12564 Date 1/8 FIN. DEPT. OFFICE OF THE DY. SECY.

1545 2-8-63

Please make copies & put up

The Mysore Irrigation (Levy of Betterment Contributions and Water Rate) (Amendment) Bill, 1963.

13

Mysore Government Secretariat

[App. F. III 2

File No. Law 30 LGN 63 of 196 .

Serial No.

122

OFFICE OF THE MINISTER FOR LAW, NO 8166 - 5 AUG 1963 BANGALORE.

We may have the meeting on 9-8-63 at 2 p.m. if ~~it~~ suits the Minister for P.W.D.

MCR
5/8/63

H.M.R
6/8

Hon. Min. P.W.D

THE MINISTER FOR PUBLIC WORKS, NO. 1761 7 AUG 1963 BANGALORE.

re Mysore Irrigations (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1963.

57

Mysore Government Secretariat

[App. F. III 2

File No. Law 30 LGN 63 of 196

Serial No.	
123	The minister for P.W.D. is on tour and will be returning to the H.Qs on 12th August, 1963. Any other date after 12th instant-away, therefore, kindly be suggested.

1536/LS 7/8/63

OFFICE OF THE MINISTER FOR PUBLIC WORKS NO. 1761 BANGALORE

P.A. to Secy: Law deptt.) 7/8 P.A. to minister for P.W.D.

124	Submitted for perusal of the note of the P.A to Minister for P.W.D.

Hon. Min. L) GNS 7/8/63

125	Some other date after 12-4-63 may be fixed.

H.N.R 7/8

Hon. Min. L)

126	We may have the meeting on 13-8-63 at 3 P.M.

OFFICE OF THE MINISTER FOR LAW NO 222 - 7 AUG 1963 BANGALORE

MVR 7-8-63

Hon. Min. P.W.D)

1787

127	The above date and time will suit the convenience of the Hon. Minr. for P.W.D.

1545/DSD

P.A. to Secy: Law deptt) 128) 7-8-IV-12 8/8

9/8/63 P.A. to Minr for P.W.D

129) Please send a copy of the draft to members with a reprinted copy of the principal Act. 10/8/63

Note.—Contn. Sheet

File No. Law 30 LGN 63 of 196 .

Mysore Government Secretariat

Serial No. 130

Draft and fair copy letters addressed to the members of the Scrutinising Committee are put up for a/pl. and signature.

u/s

12/8/63

12/8/63

12/8/63
u/s

Issue.
12/8/63

Issued

At the meeting of the Scrutinising Committee held today which was attended by the P.W. Minister, it was pointed out by the C.E. (I.P.) that the draft amendment may have the effect of perpetuating the Localisation Scheme in all Project areas and that it may be desirable to have further discussions in which the three Administrative Departments will participate with a view to arriving at a clear conclusion as to the future action of Irrigation Police which the Cabinet would have to consider and decide.

13-8-63

13/8

13/8/63 13/8

SECRETARIAT No.

Serial No. 132

During the discussions in the meeting of the Scrutinising Committee held on 13-8-63 in the chambers of the Minister for Law, the Chief Engineer, I.P. pointed out that the draft amendment proposed would not serve the purpose, but on the other hand would have the effect of perpetuating the localisation scheme. The Chief Engineer feels that the localisation scheme is not a successful one. In his opinion the block system obtaining in the Bombay area would be a useful one. In other words, the entire irrigation system will have to undergo a change on the pattern obtaining in Maharashtra and some part of our State in the northern area. If the change is to be given effect to, a huge organisation will have to be brought into position to enforce the system. Obviously, all this will take time. The collection of betterment levy cannot wait for such a long time as the resources of the State have to be stepped up. I wish the Chief Engineer had brought these difficulties to the notice of the Public Works Department before we went to take part in the deliberations held in the meeting of the Scrutinising Committee. We would have avoided ~~the~~ embarrassing position we were made to face during the discussions. It would have been better, ~~on the part of~~ if the Chief Engineer ~~to~~ had reduced his views in writing and ~~make~~ his suggestions in the form of concrete proposals.

Now there are two aspects to be examined.-

(1) whether we should initiate action to re-orientate the irrigation system on the pattern obtaining in Maharashtra for which a detailed

Serial No.

proposal will have to be obtained from the Chief Engineer, Irrigation Projects:

(2) whether the draft amendment to the Betterment Contribution Levy Act should be kept in abeyance till the finalisation of the above proposal or whether the amendment to the Act be made making provision to meet the requirements of the new system which the Chief Engineer, I.P. has in view and which at the same time should meet the requirements of the present system also.

If approved, the Chief Engineer will be addressed in this respect.

Chandappa
14/8

CHANDAPPA PATEL,
Secy., P.W. & Elecy. Dept.

What should be the future pattern of irrigation, is decidedly a major policy question. Therefore it is a matter for the cabinet to consider and take a final decision. If approved a connect note will be prepared and placed before the cabinet for consideration.

V. Patil
15/8

(VEERENDRA PATIL),
Minister for Public Works.

Discussed with the Secy. After obtaining concrete proposals file may be submitted to C.M.

V. Patil
(VEERENDRA PATIL),
Minister for Public Works.

DS.

SECRETARY TO GOVERNMENT No. GS 1602 1 AUG 1963 PUBLIC WORKS & ELEC. DEPT.
OFFICE OF THE MINISTER FOR PUBLIC WORKS NO. 1817 14 AUG 1963 BANGALORE.
SECRETARY TO GOVERNMENT No. 16 AUG 1963 PUBLIC WORKS & ELEC. DEPT.

WD-010154—GPB—PZS—8,00,000—1-10-61

Mysore Government Secretariat	File No. of 196	[App. F.]
Serial No. 136.	I have placed below a draft letter (E(P)) as from Secy for appl Secy (Prose)	
Issued letter as dictated by Secretary. 27/8		

Bases The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill 1963

Mysore Government Secretariat

File No. PWD 137 9/8 of 1962.

[App. F. III 2

Sc. letter No. 2735/TA1 dated 3-10-63 from CE IP.

Serial No. 137

To implement the decision of the Council of Ministers at their fifteenth meeting held on the 11th March 1963 that a betterment contribution might be levied on the following basis:-

1. Major & Medium Irrigation Projects

Sugarcane	Rs.	1,000 per acre.
Paddy	Rs.	750 " "
Irrigated dry ~~paddy~~ crop	Rs.	350 " "

2. Minor Irrigation:-

Flat rate of Rs.400/- per acre.

138 It was considered necessary to amend the Mysore Irrigation(Levy of Betterment Contribution & Water rate) Act 1957 before rules are made for implementing the decision.

139 Accordingly a draft ordinance was prepared which was considered by the Council of Ministers at their 31st Meeting held on the 26th June 1963 and remitted for being scrutinised by the LD with the direction that inclusion of water rate may also be considered while proposing amendments to the Act.

140 When the draft amending bill was discussed at a Meeting of the scrutinising Committee held on the 13th Aug. 1963, it was pointed out by the Chief Engineer, IP., that the draft amendment may have the effect of perpetuating the localisation scheme in all project areas and that it may be desirable to have further discussions in which the three Administrative Departments will participate with a view to arrive at a clear conclusion as to the future pattern of the Irrigation Policy, which the Cabinet would have to consider and decide.

141 With a view to ascertain whether:-

1) we should initiate action to re-orientate the irrigation system on the pattern obtaining in Maharashtra;

2) whether the draft amendment to the Betterment Contribution Levy Act should be kept in abeyance till the finalisation of the above proposal;

3) whether the amendment to the Act be made making provision to meet the requirements of the new system which the Chief Engineer, IP., has in view and which at the same time should meet the requirements of the present system also.

The Chief Engineer, IP was addressed on the 27th Aug. 1963 to forward concrete proposals with regard to the rotational or Block system of Irrigation, which he advocated to be adopted in future under all major and medium Irrigation Projects, bringing out the financial and legal implications etc., for taking further action.

The Chief Engineer, IP., has, while forwarding a brief note with his D.O.letter dated the 3rd Oct. 1963 observed as follows:--

> 2. For want of time, I had to hurry through the Note. I have explained the Block system very briefly. But, if Govt., desires more elaborate information, it is desirable to obtain reports in this regard from the present Maharashtra Government or I can explain them in person as far as I remember.
>
> I have suggested in the Note that Government may first take a firm decision as to whether they should continue the Localisation System or adopt the Block System. I have also indicated the basis for the levy of Betterment Charges in either case.
>
> Whichever way the Government may decide, it should be possible to start collecting the Betterment Levy, if firm decisions are taken on the alternative suggested. I have given alternatives for all types of crop patterns and it is for the Government to chose any of these.

Serial No.

. You have got a full-time Joint Secretary in the P.W.Secretariat and it would be specially advantageous if he is entrusted with such work requiring a lot of application, study and collection of data. I would be happy to give him such advice as possible during my spare time.

144 The Chief Engineer, IP. has pointed out in his note

Under the localisation system there is considerable diversity in Crop pattern as well as in the method of sanctioning of crops. Under the Tungabhadra Project Right Bank Canal (Low Level Canal) only a few of the large No. of cultivators under the irrigable command have gained the benefit of irrigation and even among the few, there is discrimination for wet and dry cultivation. Under the Left Bank Canal, though a large percentage of the area of the gross command has been localised and a large No. of the cultivators get the irrigation benefit, there is discrimination for wet cultivation and dry-cum-wet cultivation which is of a permanent nature. Even under the Bhadra Project, the crop pattern is more or less permanent and the concerned irrigators can grow the prescribed crops or any crop higher than the prescribed crop more or less on a permament basis.

In the Ghataprabha Project, lands which are fit for different types of crops have been scientifically assessed and crops are sanctioned on the basis of demands submitted by cultivators as per provisions of the Bombay Irrigation Act. Under this system, it is possible to change the Crop pattern every year in the case of dry-cum-wet lands and every six years in the case of wet crops.

The Chief Engineer, IP has suggested that it would esirable to analyse and assess the quantum of better- in terms of the following two components:-

General Betterment Levy: This should relate to the general increase in the value of land with relation to its intrinsic value and its irrigable potential.

Special Betterment Levy: This should relate to the specific increase in the value of land due to sanction of specific types of irrigated crops either on a permament or a temporary basis.

He has also suggested the levy of betterment charges as suggested below; if Government agree to the introduction

of the Block System under all the Projects in lieu of the present localisation pattern which is obtaining under some of the projects:-

(a) General Betterment Levy:-

(1) Lands suitable for perennial irrigation: Rs.400/- per acre.

(2) Lands suitable for paddy or similar cultivation: Rs.300/- per acre.

(3) Lands suitable for Irrigated dry crops:- Rs.200/- per acre.

This levy may be collected in 20 equal annual instalments.

(b) Special Betterment Levy:-

In addition to the General Betterment Levy, a Special Betterment Levy on the basis of actual crop sanctioned may also be levied as under:-

(1) Sugarcane: ... Rs. 35/- per acre.

(2) Paddy ... Rs. 20/- per acre.

(3) Irrigated dry crop Rs. 5/- per acre.

These charges should be levied annually on the basis of crops sanctioned at a flat rate for a period of 20 Yrs.

Financial implications:- Kindly see para 33 NF. The FD in working out the return of Rs. 64.15 crores on the investment of Rs. 141.90 crores have taken the anticipated area coming under irrigation at 11.65 lakh acres allowing a margin for difficulties in realisation of the total area of 13.57 lakhs that would come under cultivation at the end of the III Five Year Plan. On the basis of the levies suggested by the Chief Engineer,IP, the

Serial No.

I. General Betterment Levy:-

1) Sugarcane: @ Rs.400 per acre
i.e., 1.69 lakhs x 400 = 6.76 crores.

2) Paddy: @ Rs.300/- per acre
i.e., 2.95 lakhs x 300 = 8.85 crores.

3) Irrigated Dry Crop:- @ Rs.200/- per acre, i.e. 7.01 x 200 = 14.02 crores.
lakhs

Total. 29.63 crores

II. Special Betterment Levy for 20 Years:-

1) Sugarcane: @ Rs.35/- per acre
1.69 lakhs x 35 x 20 = 11.83 creres

2) Paddy: @ Rs. 20/- per adre
2.95 lakhs x 20 x 20 = 11.80 crores

3) Irrigated dry crop @ Rs. 5/- per acre. 7.01 lakhs x 5 x 20 = 7.01 crores

Total. 30.64 crores

Grand total of I & II. 60.27 crores
or 60 crores.

149 The return is Rs. 3 crores per annum, i.e., 0.5 crores or 20 lakhs less per annum. On Rs.142 crores, the return works out to about 2% on the capital invested

150 The sum total of the general and Special Contribution levies as suggested by the Chief Engineer, IP and the contribution levy as approved by the Cabinet are given below:-

Name of crop.	Levy as approved by Cabinet.	Levy as suggeste by C.E., IP.
1) Sugarcane.	Rs.1,000/- per acre.	Rs.400+Rs.35x20 = Rs.400 + Rs.700/- = Rs.1,100/-per acr
	i.e., Rs.100/- per acre more.	
2) Paddy	Rs.750/- per acre.	Rs. 300 + Rs.20 x 20 = 300 + Rs.400/-. = Rs.700/- per acre.
	i.e., Rs.50/- per acre less.	

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Bill - 1962.

PWD File No. 137 GIG of 1962

Mysore Government Secretariat

Serial No.

i) Irrigated dry crop.	Rs.350/- per acre.	Rs.200 + Rs.5 x 20 = 200 + Rs. 100 = Rs.300/- per acre.

i.e., Rs.50/- per acre less.

151 In view of the decision taken at the Select Committee Meeting held on the 13th Aug. 1963, the Note of the C.E., IP, may perhaps be discussed at a meeting to be held in the Chambers of the Secretary, P.W. & E. The following Officers may be invited to attend the Meeting:-

1) Secretary to Govt., Finance Dept.
2) Secretary to Govt., Revenue Dept.
3) Secretary to Govt., Law Department.
4) Joint Secretary to Govt., P.W. & E.Dept.
5) Deputy Secretary, PW&E(Irrigation)
6) Chief Engineer, Irrigation Projects.

152 D.O. letter is also put up for approval.

5/10/63
(S.Balasubramanyan)
Under Secretary to Government,
P.W. & E.Dept(Elecl. & Spl. Irrigation)

5/10/63

5/10
K.R. MURARADHA
Deputy Secretary to Government

153 I agree

154 The note prepared by C.E. would be the basis for discussion. A sufficient number of cyclostyled copies may be kept ready

WD-010154-GPB-PZS-8,00

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Bill - 1962.

Mysore Government Secretariat

PWD File No. 137 GI Gof 1962.

[App. F. III 2

Serial No.

There will be required when the budget will be placed before the cabinet.

155 The meeting might be convened on the 15.10.63 at 11 AM generally after ascertaining the convenience of R.S., C.E (I&P) & Shri Dharam Singh J.S. Budget.

156 J.S. should examine the proposal & let me have the benefit of his advice. Ch 6/10

DS (I) / US

157 A copy of the report of the enquiry commission referred to by C.E. might be obtained from Maharashtra Govt. by 30th 10 or 7.10.63 & put up a draft to Shri Narayan Rao Khursale, C.E., & Joint Secretary Govt. of Maharashtra.

Ch 6/10

DS. / US

158 We have copies of Maharashtra State Irrigation Commission Report. A copy of the Report along with a set of maps, has been obtained from the Library, & I have placed them before.

159 Issue notices with regard to the meeting & put up the file to Joint Secy PWD for his remarks.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Rule 1962

File No. PWD 137 G1 G of 1962.

Mysore Government Secretariat

3029/63

Serial No.

A draft D.O. letter is put up as instructed to the CE & Jt. Secretary to the Govt of Maharashtra, Bombay. 160

Secretary PW&E) 7/10/63

1) Issue the D.O. letter signed by Secretary today. 161

2) Pl. get the note of the CE (P) and the Statement indicating the financial return stencilled today

3) Thereafter the file has to be submitted to Jt. PW&E in view of orders at Para 1st of.

4) 16th October 1963 - 11 am. is the date & time fixed - It suits both Secy RD and D FD (Budget)

5) The D.O. letter to Secy RD with endorsements to Ds FD (Budget) and CE (P), may now be issued as amended.

8/10/63

162

Issued

9/10 These papers may now be referred to Joint Secy with reference to the orders of the Secy PWD at 156 of the notes ante. 163

9/10/63 U.S. (I) 9/10/63

JOINT SECRETARY TO GOVT. No 3029 10 OCT 1963 PWD DEPTT.

164

9/10 165

R. B. MURARAPPA,
Deputy Secretary to Govt., PWD (Irrgn.)

J will put up a note separately

D.S.(I) 11.10.63 166

WD-010154—GPB—PZS—8,00,000—1-10-61

U/S (E&SR) 11/10 11/10/63

Serial No.

167. The following Officers were present at the Meeting:-

i) The Secy.to Govt., P.W.& Elecy.Dept.

ii) The Secy.to Govt., Revenue Dept.

iii) The Chief Engineer, Irrigation Projects.

iv) The Dy.Secy., F.D.(Budget).

v) The Dy.Secy., P.W.D.(Irrigation).

3 A Note prepared by the Chief Engineer on the subject was taken as the starting point for the discussion of the problems that were to be considered at this Meeting. The Chief Engineer had raised the following points in his Note.

(a) Whether it was legally permissible for Govt. to change the system of localisation wherever a system of localisation has already been finalised;

(b) If so, whether Government were prepared to change this pattern of localisation;

(c) Whether Government were prepared to adopt a different (and more rational) principle in determining this question in relation to Projects for which no localisation has so far been made.

The Chief Engineer had also suggested (a) that the question of the rates at which Betterment Levy was to be levied might be considered in the context of the decisions that Govt. might take on the question of localisation. (b) that Betterment Levy might be collect-ed in two stages--The first stage immediately after the provision of irrigation facilities irrespective of the type of crops sanctioned, and the second stage after the cropping pattern is sanctioned. He had also suggested that Betterment Levy might be levied and collected at the following rates:--

Serial No.

ii) Lands suitable for paddy or similar cultivation. Rs.300/- per acre.

iii) Lands suitable for irrigated dry crops .. Rs.200/- per acre.

II Stage

i) Lands suitable for perennial irrigation .. Rs.35/- per acre per annum.

ii) Lands suitable for paddy or similar cultivation. .. Rs.20/- per acre per annum.

iii) Lands suitable for irrigated dry crops .. Rs.5/- per acre per annum.

After discussion, it was felt that instead of 169
making a distinction between one class of land and another, Betterment Levy might be levied at a uniform basic rate on the basis that all lands commanded by the Irrigation Project and for which water would be made available could in any case be utilised for raising irrigated dry crops and that water rates might be levied in respect of lands for which water is made available for wet or porennial crops in such a way that it covers the normal water-rate together with the extra Betterment levy as suggested by the Chief Engineer (except in respect of irrigated dry crops for which such additional levy may not be made)

It was felt that a sum of Rs.300/- per acre 170
would be a reasonable average at which Betterment Levy could be levied, and that this might be recovered in 20 annual instalments.

When the Betterment Levy is reduced to this 171
level, the water rate would have to be levied at

Serial No.

return to the State:--

	Normal		Additional		Aggregate
i) Perennial wet ..	Rs. 70	+	35	=	Rs.105/-
ii) Single wet ..	Rs.30	+	22.5	=	Rs.52.5
iii) Irrigated dry ..	Rs.15				

172 The additional water rate of Rs.35/- in the case of perennial crops and Rs.22.50 in the case of single wet crops has been proposed to compensate for the loss in the form of Betterment Levy and in order to see that the same amount is recovered in 20 instalments. It might appear on a first reading that the water-rates that are now proposed are very high, but it would have to be considered in the context of the fact that while initially it was proposed to have relatively high rates of Betterment Levy and relatively low rates of water-rate, It is now proposed, in the context of the changed concept, to have a low rate of Betterment Levy and a high rate of water rate.

Chandrapp
16/10

CE IP 19/10

19/10/63

173 Though this is proceedings of the Committee of Officers, F.S. may please see at this stage. The above Conclusion is the only possible method if we have to get through the bill and make a serious attempt

File No. Pwd 137 G1G of 1962.

Mysore Government Secretariat

Serial No.

to collect the Betterment levy and water rate.

F.S. 18/10

F.M. may please glance through paragraphs 33 and 34 of the Notes. The gist of this noting is, we expected Rs.3.2 crores per annum for a period of 20 years, i.e., a total of Rs.64 crores. In the present proposal, they have reduced the betterment levy and the reduced portion is to be charged as water rate. The total effect of this is that the betterment levy including the water rate, which comprises of a special betterment levy, will give us Rs.60 crores in 20 years. 174

Note copy of Maharashtra State Irrigation Commission Report 1962

The main point that is worrying me, as F.M. is aware, is that our fixation of new water rates is still stuck up. I unofficially understand that the Agriculture Minister has already formulated his views in this matter. I do not know whether it will be possible to have uniform water rates all over the State. But it is difficult to agree with the Law Department's views that water rates cannot be different for different parts of the State and it will lead to discrimination. I am placing below a copy of the Maharashtra State Irrigation Commission Report, 1962. F.M. may please glance through paragraphs 341 to 399 relating to water rate and betterment levy. The gist of the report in these pages is that while fixing the water rate, many factors have to be taken into consideration like the cost, the interest charges, the maintenance charges, depreciation etc. But the main point is what the traffic can bear i.e., what the farmers can pay. If there is any difficulty in fixing uniform water rates for the whole State, there should not be any difficulty in accepting the rates now recommended for our irrigation schemes for which betterment levy is proposed to be made. 175

The block system now recommended by the Chief Engineer looks to be very good and appropriate. We may accept the recommendations.

OFFICE OF THE MINISTER OF PLANNING
NO. 10357
23 OCT 1963
BANGALORE

Serial No. 177

Kind attention is invited to para 132.

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During the discussion of the Scrutinising Committee in the Chambers of the Law Minister over t proposed amendment for introduction of various rates of Betterment levy as decided by the Cabinet the Chi Engineer, I.P. brought to the notice of the Committe that if the Betterment levy was proposed to be fixed on the basis of the localisation pattern of irrigati it would amount to inequitable distribution of water To illustrate this point, the Chief Engineer further stated that under the localisation system a particul piece of land would be considered as fit for perenni irrigation and another piece of land for seasonal irrigation and a third one for dry-cum-wet irrigatic This pattern of localisation will make owners of the land to acquire a perpetual right for getting water for a particular type of crops which might in the lc run be injudicious and at the cost of other cultivators who would have had similar kind of land: but because of localisation would have been denied (the benefit of perennial or seasonal irrigation facilities. He, therefore, suggested that the pattern of irrigation needed reconsideration. Pending a decision on this basic issue the question of amendment for enfoicement of various rates of Betterment levy was deferred.

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The Chief Engineer, I.P. after a detaile study and on the basis of his experience in the Bombay Deccan canal area in the erstwhile Bombay State had submitted a Note in regard to the patter of irrigation system for consideration of

Serial No.

Government. He had also suggested a different system of levy of Betterment charges. The Note prepared by the Chief Engineer was made the basis for discussion in the Meeting of the Officers of P.W.D., the Revenue Department and the Finance Dept. held on 16-10-'63. The Proceedings of the Meeting have been placed at page C.F.

The question of irrigation system requires a detailed study which will be taken up separately. The committee considered the question of betterment levy only.

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The Committee was of the view that if a Betterment levy was levied at different rates on the lands depending upon the nature of the crops raised, in other words, on the basis of actual supply of water, it would create vested interest which may ~~be~~ become irrevocable in law.

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The Committee felt that there would certainly be some appreciation in all the lands under the command of an Irrigation Project depending upon the intrinsic value of the land and its suitability for irrigated crops irrespective of the actual crop sanctioned. It would therefore be easier and simpler to levy uniform Betterment charges on the basis of this appreciation in the value of the land. Subsequently, when the crop pattern is decided and actual crops are actually sanctioned on periodical basis, there would be a further rise in the value of the land depending upon the type of crops sanctioned and the period of sanction etc. The Betterment levy may, therefore, be charged further on this basis at the second stage, and this, the Committee felt should preferably be linked or integrated with the water rates.

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The above method has been recommended by the Committee with a view to avoiding litigation and also with a view to enabling the Government to enforce a reasonable rate of Betterment levy so that the Government would be in a position to recover at least some minimum amount to start with towards the Betterment levy. Even in the case of rates which have been approved by the Cabinet the collections will have to be spread over a period of 20 years. The same objective can also be achieved if the recommendations of the Committee are accepted which are as follows.

1) Flat rate of Rs.300/- per acre (I Stage)

II Stage

	Normal		Additions	Aggregate
i) Perennial wet	Rs.70	+	35	Rs.105/- per acre
ii) Single wet	Rs.30	+	22.5	Rs. 52.5
iii) Irrigated dry	Rs.15			

The proposals of the Committee are for favour of consideration. If these recommendations are accepted then it will mean a revision of the decisions already arrived at by the Cabinet. The entire case will have to be placed again before the Cabinet for a decision on the basis of ~~our~~ above recommendations. It will also be necessary to obtain the views of the Law Department before the case is submitted to the Cabinet to find out the feasibility or otherwise of acceptance of the recommendations now made.

Chandappa

MINISTER, P.W.

CHIEF MINISTER.

CHANDAPPA PATEL,
Secy., P.W. & Elecy. Depts.

SUBJECT:- BETTERMENT LEVY.

(1) The Council of Ministers at their 15th meeting held on 11.3.1963 took a decision that Betterment Contribution n be levied on the following basis:-

Major & Medium Irrigation Projects:

Sugarcane.	Rs.1000	per acre
Paddy.	Rs. 750	"
Irrigated dry.	Rs. 350	"

Minor Irrigation.

Flat rate of Rs.400 per acre.

To give effect to the decision of the Cabinet necessary to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957.

(2) A draft Ordinance to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 was prepared and it was considered by the Council of Ministers at their 31st meeting held on 26-6-63 and the Cabinet desired that the same might be scrutinised by the Law Department and that the question of including water rate might be considered.

(3) The draft Amendment Bill was considered at a meeting of the Scrutinising Committee in the chambers of the Law Minister when the Minister for Public Works was also present. During this meeting the Chief Engineer, Irrigation Projects, pointed out that if the Betterment Contribution is levied on crop basis as proposed in the draft amendment, we would be perpetuating the localisation pattern in all projects, which is not at all desirable. He stated that under the localisation system a particular piece of land would be considered as fit for perennial irrigation and another piece of land for seasonal irrigation and the third one for dry-cum-wet irrigation. This pattern of localisation will make owners of the lands to acquire the perpetual right

.....2

right for getting water for a particular type of crop which might in the long run be injudicious and at the cost of other cultivators who would have had similar kinds of lands but beca of localisation would have been denied of the benefit of perennial or seasonal irrigation facilities. He further stated that if betterment contribution is levied at different rates on the lands depending upon the nature of the crops raised, in other words, on the basis of actual supply of water, it wou create vested interest which may become irrevocable in Law. He, therefore, suggested that the pattern of irrigation needed re-consideration and preferred irrigation by Block System to irrigation based on localisation.

(4) As regards the type of irrigation system to be adopted in future a decision can be taken only after consulting the Law Department whether it would be possible to give up the pre localisation system that is now in vogue under the Tungabhadra Project. The matter will be examined further and a note will put up to Cabinet for taking up a final decision about this policy matter.

(5) As this will take some time the collection of betterment levy cannot wait, as the resources of the State would have to stepped up. In view of this, the Chief Engineer, Irrigation-Projects, was addressed to suggest whether any amentment to the present Act could be made, making provision to meet the require ments of the new system of irrigation which the Chief Engineer Irrigation Projects has in view and which at the same time sho meet the requirements of the present system also.

(6) The Chief Engineer, Irrigation Projects, forwarded a no (copy appended) on the amendment to the Mysore Irrigation (Lev of Betterment Contribution and Water Rate) Act 1957 and his re was considered at a meeting held on 16.10.1963 in the chambers of the Secretary to Government, Public Works and Electricity Department when the Secretary to Government, Revenue Departmen Deputy Secretary to Government, Finance Department, (Budget)..

nd the Chief Engineer, Irrigation Projects were also presen
s per the Chief Engineer's recommendation, Betterment Levy
s to be levied in two stages (1) General Betterment Levy ar
2) Special Betterment Levy. The Committee felt that there
ould certainly be some appreciation of the lands under the
ommand of irrigation projects depending upon intansic valu
f the land and suitability for irrigation of crops, irres-
ective of the actual crop sanctioned. It would, therefore,
e easier and simpler to levy uniform betterment charges on
asis of this appreciation in the value of the lands, in th
first stage. Subsequently, when the crop pattern is decide
and the crops are actually sanctioned on periodical basis,
there would be a further rise in the value of the land depe
upon the type of crops sanctioned and the period of sanctio
The Betterment Levy may, therefore, be charged further on t
basis at the second stage and the committee felt that this
betterment levy at the second stage should preferably be li
or integrated with the water rates. The above procedure ha
been recommended by the Committee with a view to avoiding
litigations and also with a view to enforce a reasonable ra
of betterment levy so that Government would be in a positic
to recover atleast a minimum amount to start with.

(7) Hence, the following rates of betterment levy are
suggested:-

I STAGE:-

2) Single Wet.	Rs.30.	+ $\frac{Rs.750-300}{20*}$	= Rs.22.5 or Rs.52.50	Rs.750/- per acre approve by the Cabinet less Rs.30 per acre proposed for lev in the first stage.
3) Irrigated dry crop.	Rs.15.	-	Rs. 15. Rs 15.00	** number of years over which the Special betterment levy will have to be collected.

When the file was referred to the Finance Department they have noted as below:-

"---"We expected Rs.3.2 crores per annum for a period of 20 years i.e., total of Rs.64 crores.

In the present proposal, they have reduced the betterment levy the reduced portion is to be charged as water rate. The total effect of this is that the betterment levy including the water rate, which comprises of a special betterment levy, will give u Rs.60 crores in 20 years."

" The main point that is worrying me, as F.M. is aware, is that our fixation of new water rates is still stuck up. I unofficially understand that the Agriculture Minister has alr formulated his views in this matter. I do not know whether it be possible to have uniform water rates all over the State. Bu it is difficult to agree with the Law Department's views that water rates cannot be different for different parts of the Stat and it will lead to discrimination. I am placing below a copy the Maharashtra State Irrigation Commission Report, 1962. --- The gist of the report in these pages is that while fixing the water rate, many factors have to be taken into consideration l the cost, the interest charges, the maintenance charges, depre ciation etc. But the main point is what the traffic can bear i.e., what the farmers can pay. If there is any difficulty in fixing uniform water rates for the whole State, there should n be any difficulty in accepting the rates now recommended for c irrigation schemes for which betterment levy is proposed to be

proposed to be made."

" The block system now recommended by the Chief Engineer looks to be very good and appropriate. We may accept the recommendations."

(Id)- Secretary,
Finance Department.
23/10/63.

FD may accept.
(Id). B.D.J.
24/10/63.

(9) It will also be necessary to obtain the views of the Law Department about the feasibility for amending the present Act with a view to collect Betterment Levy in the manner proposed above.

(10) As the subject of betterment levy is proposed to be discussed in a Special Cabinet meeting to be held on 17.11.1963, this note is put up for approval to the rates proposed in para 7 of the note.

(K.B. Murarappa),
Deputy Secretary to Government,
Public Works Deptt.IRRIGATION.

A NOTE ON
AMENDMENTS TO THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT OF 1957.

Certain practical difficulties were encountered in the collection of Betterment Levy as per provisions of the Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957. The main difficulty encountered in the fixation of the quantum of Betterment Levy is the correct assessment in the unearned increments in the land value consequent upon the construction, improvements or restoration of any irrigation work, Betterment Levy is intrinsically related to the quantum of Betterment estimated to have occured in the value of land under the irrigable command and the quantum of Betterment Levy would be equal to 50% of the increase in the land value, consequent upon the execution of the irrigation works.

From the Secretariat Files on record it is observed that following two alternatives were suggested for fixing Betterment Levy:-

1) Increase in the value of land based on sale transactions in the commanded area; and

2) Increase in the gross produce of the land consequent upon the construction of the irrigation work;

The above two alternatives appear to have been considered in detail and finally the Council of Ministers has approved Levy of Betterment Charges bas upon the crop pattern at a flat rate as under:-

1. Sugarcane: -- Rs.1000 per acre.
2. Paddy. -- Rs. 750 per acre.
3. Irrigated dry crop. Rs. 350 per acre

Consequently it was proposed to amend the Mysore .....P.T.O.

Irrigation (Levy of Betterment and Contribution) Act 1957 accordingly, to provide for the above.

....Continued pa

2. A study of the existing systems of irrigation under the various irrigation projects in the State would reveal that there is considerable diversity in the Crop Pattern as well as in the method of sanctioning of crops as detailed below.

Tungabhadra Project Right Bank Canal (Low Level Canal):

Under Tungabhadra Right Bank Canal the system known as Localisation has come to stay. According to this an area of only 92,345 acres out of the gross command of 2,94,000 acres has been localised partly for wet cultivation and partly for dry-cum-wet cultivation. This Crop Pattern thus is almost a fixed one and would continue to exist as long as the Localisation System is allowed to stay. Only a few of the large number of cultivators under the irrigable command have gained the benefit of irrigation and even among the few, there is discremination for wet and dry-cum-wet cultivation. This is considered to be unjust inequitable.

Tungabhadra Project - Left Bank Canal:

There is Localisation under Tungabhadra Left Bank Canal also. But under this Canal quite a large percentage of area of the gross command has been localised. Though quite a large number of cultivators get the irrigation benefit (i.e. 5.9 lakh acres out of 9,00,000 acres) there is discrimination for wet cultivation and dry-cum-wet cultivation which would be of a permanent nature under the Localisation Scheme.

Ghataprabha Project:

Under this Project, lands which are fit for different types of crops have been scientifically assessed and crops are sanctioned on the basis of demands submitted by cultivators as per provisions of Bombay Irrigation Act. Under this system, it is

possible to change the Crop Pattern evey year in the case of dry-cum-wet lands and every six years in the case of wet crops.

BHADRA PROJECT:

Under this Project, the Canals are still under construction and about 46838 acres have been brought under irrigation. The lands have been demarcated on the basis of the soil classifications under 3 different categories suitable for perennial, wet and dry-cum-wet cultivation. Thus the Crop Pattern is more or less permanent and the concerned irrigators can grow the prescribed crops or any crop lighter than the prescribed crop more or less on a permanent basis.

3. The above examples of a few Major Irrigation Projects illustrate that different systems of irrigation exist on different Projects and each have their own peculiarities.

The draft Irrigation Biil, clause 32, seeks to unify the different system and the rules thereunder, which have yet to be framed should be so framed as to allow sufficient flexibility, rotation and diversion in the crop Pattern, more or less akin to the Block System prevailing on the Deccan Canals of the Maharashtra State The existing Localisation Scheme on the Tungabhadra Cana is most unjust and inequitable and results in specific advantage being given to specific persons through specif lands for an indefinite period, thus opposing the very basic principles of social equity and justice and contrary to the concept of a Socialistic Pattern of Society.

4. Block System:

Prior to 1938 in the then Bombay State, there was considerable confusion in the Irrigation

...p.t.o.

Irrigation practice prevailing on the Deccan Canals resulting in unsystematic Irrigation, indecisive Crop Pattern and imbalance in the distribution of Irrigation benefits in the commanded area. The then Government of Bombay thereupon instituted an Irrigation Enquiry Commission headed by late Sir M. Visveswariah who evolved what is known as " the Block System of Irrigation" as the most efficient, just and stable form of Irrigation system. The Block System as evolved by late Sir M.Visweswariah on the Bombay Deccan Canals is briefly described below.

(1) The entire irrigable command is divided into different zones suitable for perennial cultivation, wet cultivation and dry-cum-wet cultivation based on the soil classification and sub-soil drainage.

(2) Every cultivator is free to apply for the type of crops and the extent of irrigation required in his land year after year and grow only such crops as are permitted by the Irrigation Department.

(3) The irrigable command is covered by perennial blocks, two seasonal blocks and seasonal blocks. In the perennial block 1/4 to 1/3 of the block area can be under the perennial irrigation in rotation with other types of lighter crops.

In the two seasonal block, a two seasonal crop to the extent of 50% of the area can be in rotation with any lighter crop and in the seasonal block between 50% to 100% of the area can be under irrigation in any one season subject to availability of water.

The total number of blocks available for distribution in the irrigable command will be related to the availability of waters and no irrigator can have a per-

....p.t.o.

manent block. A perennial block can be held by any cultivator for a maximum period of 6 years only, after which it is open to Government to sanction the block in favour of any other cultivator in need and not having a perennial block.

Similarly in the case of two seasonal block every 3 years the block sanction can change hands and in the case of the seasonal block practically the blocks do not change hands but the extent of area which can be cultivated within the block in any year is dependent upon the availability of water supply. This method of irrigation by block system is considered to be the most rational particularly in areas having a large irrigable command and with diverse soil types, and limited water supply. Under this system, the entire irrigable command is provided with net works of distributaries and field channels and each cultivator can have canal water leading to his land. The vailable facilities are distributed over as large an area as possible and at least a fraction of every cultivator's holding will be under some type of irrigated crop or the other. Even perennial blocks can be sanctioned, though to a small extent, to as many cultivator's as possible. Even if a cultivator does not get a particular type of crop sanctioned in a particular year, he has every chance of getting such a sanction in the subsequent period on revision. Thus, this Block System of Irrigation is most suitable for establishing a Socialistic Pattern of Society, wherein no selected few will be entitled to irrigation benefits indefinitely at the cost of other Tax Payers similarly situated. There are fifferent types of Block Systems, which cannot be dealt with exhaustively in this Note. These are mentioned in detail in the Repor

of the Irrigation Enquiry Commission, mentioned above and copies of the same are available with the Government of Maharashtra and can be obtained if required.

As stated in para one above, the proposal at present before the Government of Mysore is to levy the Betterment Charges at a flat rate according to the type of crop irrigated in a particular piece of land. Such a system is likely to create and perpetuate vested interests in so far as it confers a right on the cultivator to grow a particular type of irrigated crop, because the Government has once for all committed to give him that facility when the Betterment Charges are levied on that basis. In the case of perennial and wet cultivation there is likely to be a great scramble and such of the persons who succeed in getting sanction for sugar-cane or paddy will be required to pay the Betterment Levy according to the crop and once they pay the Betterment Levy they and their successors would be entitled in Law to grow that type of crop permanently in their lands. Other cultivators who would not succeed in the beggining to get sanction for perennial or wet cultivation would never be able to get such a sanction any time in future, nor their posterity will be able to gain such an advantage. The levy of Betterment charges based on crop sanction on a permanent basis would, therefore, lead to the creation and perpetuation of vested interests, irrevocable in Law.

5. <u>Proposed Basis for Betterment Levy</u>:

As stated in para (1) of the Note, the Betterment Charges are levied on the basis of the betterment that would naturally accrue to the land under the irrigable command, merely because the irrigation facility has been created for that land. The betterment of the land is reflected in the potential increase in the value of the

land, in the context of its capacity for additional yield due to the facility of irrigation. Therefore, betterment can be measured either in terms of increase in the value of the land subsequent to the advent of irrigation or in terms of increased yield subsequent to irrigation or both put together. But it would be desirable to analyse and assess the quantum of betterment in terms of the following two components:-

(1) General Betterment Levy: This should relate to the general increase in the value of land with relation to its intrinsic value and its irrigable potential;

(2) Special Betterment Levy: This should relate to the specific increase in the value of land due to sanction of speci ic types of irrigated crops either on a permament or a temporary basis.

Assessment of the general increase in the value of the lands does not imply any commitement on the part of the Government and as such the levy of Bettermnett Charges at a flat rate on the entire irrigable command in the three major categories of (i) perennial, (ii) wet and (iii) light irrigation would be perfectly in order. Subsequently this general increase in the price structure will further undergoe a slight change due to periodical sanction of irrigated crops. Thus, a land for which sugarcane has been sanctioned for any period is likely to fetch higher value due to its increased returns. Therefore, Special Betterment Levy can further be levied on lands in terms of crops sanctioned.

In the past, difficulties have been expressed by the Betterment Levy Officers with regard to the levy of Betterment Charges based on actual assessment

of the increase in the land value in relation to sale deeds or increase in the gross produce based on crop cutting experiments. Both these difficulties can be circumvented by the levy of Betterment Charges at a flat rate over the entire command. Thus, the flat rates for the General Betterment Levy should be carefully assessed on the basis of general sale transactions of similar types of lands and similarly the Special Betterment Levy should be assessed on the basis of general increase in the yield of similar types of lands due to irrigation.

6. A Major Policy Decision:

In view of what is stated above, it is very necessary that Government takes a firm decision as to whether it would be advisable to have the Localisation type of Crop Pattern or the Block System of Crop Pattern type of Crop Pattern or the Block System of Crop Pattern, as a matter of major policy decision. If it is the intension of the Government to continue the Localisation type of Crop Pattern, then the decision already taken by the Council of Ministers to levy the Betterment Levy at a flat rate, please vide para (1), may be adopted. But if the intention of the Government is not to perpetuate Localisation type of Crop Pattern, but to introduce Block System of Crop Pattern mentioned in para (4) above, then it would be desirable to levy the Betterment Charges as suggested below:-

(a) General Betterment Levy:

1) Lands suitable for perennial irrigation.	Rs.400/- per acre.
2) Lands suitable for paddy or similar cultivation.	Rs.300/- -do-
3) Lands suitable for irrigated dry crops.	Rs.200/- -do-

....p.t.o.

This levy may be collected in 20 equal annual instalments.

(b). Special Betterment Levy:

In addition to the General Betterment Levy, a Special Betterment Levy on the basis of actual crop sanctioned may also be levied as under:-

1) Sugarcane: Rs.35/- per acre.

2) Paddy. Rs.20/- per acre.

3) Irrigated Dry Crop. Rs. 5/- per acre.

These charges should be levied annually on the basis of crops sanctiondd at a flat rate for a period of 20 years.

7. Summary of Recommendations:

1. Localisation or Block System: As a Major Policy Decisic Government may have to take immediate decision whether they would like to continue the existing Localisation Syste or to introduce the Block System as prevailing on Bombay. Deccan Canals.

2. Is Localisation Scheme Irrevocable: The question as to whether the Localisation Scheme already in force is irrevocable or not is under the consideration of Government in Law Department. An early decision may be taken in this regard to guide further decisions of Government.

3. In case the Government is of opinion that the Localisat: System is irrevocable or that the Localisation System is the best one, then the decision already taken by the Cabine to change the Betterment Levy on a uniform rate, please vide para (1) above, may be adopted straightway.

4. But, if the Government is of the opinion that the Bloc System of Crop Pattern ~~is more opinion that the Block~~

....p.t.o.

tatement indicating the financial return in accordance with the proposed levy of Betterment contribution on planned outlay on Irrigation Projects:

To the end of First Plan.	Rs.37.28 crores (Including Tungabhadra)
Second Five Year Plan.	Rs.63.96 crores.
Third Five Year Plan (Plan Provision).	Rs.40.66 crores.
	Rs.141.90 crores.
or	Rs.142 Crores.

The extent of land to be brought under cultivation at the end of the Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficulties in cent percent realisation, the definitely anticipated area that will come under irrigation is 11.65 lakhs acres made up as follows:-

Sugar Cane.	Rs. 1.69 Lakhs acres.
Paddy.	Rs. 2.95 Lakhs acres.
Irrigated dry crop.	Rs. 7.01 Lakhs acres.
	11.65

The return on the said area in accordance with the levy as decided by the cabinet is as follows:-

Sugar Cane	@ Rs.1000 per acre	- 1.69 Lakhs x 1000	= 16.90
Paddy.	@ 750 per acre	- 2.95 Lakhs x 750	= 22.12 acres.
Irrigated dry crop	@ Rs. 350 per acre	- 7.01 Lakhs x 350	= 24.54 acres.
			63.56 acres.

i.e., Rs.3.18 crores per annum.

the return on Rs.142 crores works out to 2.24% per annum.

The return according to the levy suggested by the Chief Engineer, (Irrigation Projects) is a s follows:-

1. General Betterment levy:

			Rs.	
1) Sugarcane	@ Rs.400/- per acre	1.69 lakhs x	400	= Rs.5.76 Crores.
2) Paddy.	@ Rs.300/- per acre	2.95 lakhs x	300	= Rs.8.85 Crores.
3) Irrigated dry paddy	@ Rs.200/- per acre	7.01 lakhs x	200	= Rs.14.02 crores.
			Total I	Rs.29.63 Crores.

II. Special Betterment levy for 20 years:

1. Sugar Cane at Rs.35 per acre per annum - 1.69 Lakhs x 35 x 20 = 11.83 Crores.

2. Paddy @ Rs.20 per acre per annum 2.95 lakhs x 20 x 20 =	11.80	Crore
3. Irrigated 4 Rs.5 per acre per annum 7.01 Lakhs x5x20 = dry crop	8.01	"
Total II	30.64	"

Grand Total I + II Rs.60.27 Crores.

i.e. Rs.3.13 crores per annum

the return on Rs.142 crores works out to 2.20% per annum.

The proposal involves a reduction in the annual return by 20 lakhs or 0.04

PWD 137 G1G 62

94

No.Ch.S.646/63
PWD 47 GIG 59
MOST IMMEDIATE

Dated 13th Novr. 1963

PWD 47 G1G 59

186 35) A special Cabinet meeting will be held at 10.00 A.M. on the morning of Sunday, the 17th November 1963 to discuss the following subjects:-

1) Betterment Levy
2) Water Rates.
3) Industrial Development Corporation.
4) Urban and Immovable Property tax.

Sent separately in file no. PWD 47 G1G 59

187 36) The Departments of Public Works, Commerce and Industries and Finance are requested to let the undersigned have notes on the subjects by tomorrow afternoon at the latest.

Sd/- K. Balachandran
CHIEF SECRETARY
(13-11-63)

1. The Secretary, PWD
2. -do- C&I
3. -do- FD

188) 20 Copies of the Cabinet note re: Betterment Levy are placed below

14/11
S. BALASUBRAMANYAN,
Under Secy., P.W.D. (Elc. & Spl. I

MYSORE GOVT. SECRETARIAT
No. C.291/63
14 NOV 1963
6-30 P.M.
G.A.D. (COUNCIL SECTION)

Ds(1)

14/11
K. B. MURARAPPA,
Deputy Secretary to Govt., PWD (Irr.

C.S.
14/11

189 Cabinet Agm

PWD 137 GIG 62.

C. 291/63.

SECRET

Cabinet Case No. C. 291/63.

Date 15-11-1963.

FOR CONSIDERATION AT
A MEETING OF THE CABINET
on 17-11-1963.

Cabinet Note circulated for information

Dy. Secy.
GAD.

15.11.63

Chief Minister,
All Ministers.

GOVERNMENT OF MYSORE.

No.PWD 137 GIG 62.

ABINET NOTE.

SUBJECT:- BETTERMENT LEVY.

191 (1) The Council of Ministers at their 15th meeting held on 11.3.1963 took a decision that Betterment Contribution m be levied on the following basis:-

Major & Medium Irrigation Projects:

Sugarcane.	Rs.1000 per acr
Paddy.	Rs. 750 "
Irrigated dry.	Rs. 350 "

Minor Irrigation.

Flat rate of Rs.400 per acre.

To give effect to the decision of the Cabinet, it was co necessary to amend the Mysore Irrigation (Levy of Bettern Contribution and Water Rate) Act 1957.

(2) A draft Ordinance to amend the Mysore Irrigation (of Betterment Contribution and Water Rate) Act 1957 was and it was considered by the Council of Ministers at the meeting held on 26-6-63 and the Cabinet desired that the might be scrutinised by the Law Department and that the of including water rate might be considered.

(3) The draft Amendment Bill was considered at a meet the Scrutinising Committee in the chambers of the Law Mi when the Minister for Public Works was also present. Du this meeting the Chief Engineer, Irrigation Projects, po out that if the Betterment Contribution is levied on cro as proposed in the draft amendment, we would be perpetua localisation pattern in all projects, which is not at al rable. He stated that under the localisation system a p piece of land would be considered as fit for perennial i and another piece of land for seasonal irrigation and th one for dry-cum-wet irrigation. This pattern of localis will make owners of the lands to acquire the perpetual r

right for getting water for a particular type of crop which might in the long run be injudicious and at the cost of other cultivators who would have had similar kinds of lands but bec of localisation would have been denied of the benefit of pere nnial or seasonal irrigation ~~facilities.~~ He ~~further~~ stated that if betterment contribution is levied at different rates on the lands depending upon the nature of the crops raised, in other words, on the basis of actual supply of water, it wo create vested interest which may become irrevocable in Law. He, therefore, suggested that the pattern of irrigation neede re-consideration and preferred irrigation by Block System to irrigation based on localisation.

(4) As regards the type of irrigation system to be adopted in future a decision can be taken only after consulting the Law Department whether it would be possible to give up the pr localisation system that is now in vogue under the Tungabhadr Project. The matter will be examined further and a note will put up to Cabinet for taking up a final decision about this policy matter.

(5) As this will take some time the collection of betterme levy cannot wait, as the resources of the State would have to stepped up. In view of this, the Chief Engineer, Irrigation-Projects, was addressed to suggest whether any amentment to t present Act could be made, making provision to meet the requi ments of the new system of irrigation which the Chief Enginee Irrigation Projects has in view and which at the same time sh meet the requirements of the present system also.

(6) The Chief Engineer, Irrigation Projects, forwarded a n (copy appended) on the amendment to the Mysore Irrigation (Le of Betterment Contribution and Water Rate) Act 1957 and his r was considered at a meeting held on 16.10.1963 in the chamber of the Secretary to Government, Public Works and Electricity Department when the Secretary to Government, Revenue Departme Deputy Secretary to Government, Finance Department, (Budget).

and the Chief Engineer, Irrigation Projects were also present.- As per the Chief Engineer's recommendation, Betterment Levy is to be levied in two stages (1) General Betterment Levy and (2) Special Betterment Levy. The Committee felt that there would certainly be some appreciation of the lands under the command of irrigation projects depending upon intansic value of the land and suitability for irrigation of crops, irrespective of the actual crop sanctioned. It would, therefore, be easier and simpler to levy uniform betterment charges on the basis of this appreciation in the value of the lands, in the first stage. Subsequently, when the crop pattern is decided and the crops are actually sanctioned on periodical basis, there would be a further rise in the value of the land depending upon the type of crops sanctioned and the period of sanction etc. The Betterment Levy may, therefore, be charged further on this basis at the second stage and the committee felt that this betterment levy at the second stage should preferably be linked, or integrated with the water rates. The above procedure has been recommended by the Committee with a view to avoiding litigations and also with a view to enforce a reasonable rate of betterment levy so that Government would be in a position to recover atleast a minimum amount to start with.

(7) Hence, the following rates of betterment levy are suggested:-

I STAGE:-

2) Single Wet.	Rs.30.	+ $\frac{Rs.750-300}{20*}$	= Rs.22.5 or Rs.52.50	Rs.750/- per acre approve by the Cabinet less Rs.30 per acre proposed for lev in the first stage.
3) Irrigated dry crop.	Rs.15.	-	Rs.15.	Rs 15.00

** number of years over which the Special betterment levy will have to be collected.

When the file was referred to the Finance Department they have noted as below:-

"__"_We expected Rs.3.2 crores per annum for a period of 20 years i.e., total of Rs.64 crores.*

In the present proposal, they have reduced the betterment levy a the reduced portion is to be charged as water rate. The total effect of this is that the betterment levy including the water rate, which comprises of a special betterment levy, will give u Rs.60 crores in 20 years."

" The main point that is worrying me, as F.M. is aware, is that our fixation of new water rates is still stuck up. I unofficially understand that the Agriculture Minister has alr formulated his views in this matter. I do not know whether it be possible to have uniform water rates all over the State. Bu it is difficult to agree with the Law Department's views that water rates cannot be different for different parts of the Stat and it will lead to discrimination. I am placing below a copy the Maharashtra State Irrigation Commission Report, 1962. ---- The gist of the report in these pages is that while fixing the water rate, many factors have to be taken into consideration li the cost, the interest charges, the maintenance charges, depreciation etc. But the main point is what the traffic can bear i.e., what the farmers can pay. If there is any difficulty in fixing uniform water rates for the whole State, there should nc be any difficulty in accepting the rates now recommended for ou irrigation schemes for which betterment levy is proposed to be

.....5

proposed to be made."

" The block system now recommended by the Chief Engineer looks to be very good and appropriate. We may accept the recommendations."

(Id)- Secretary,
Finance Department.
23/10/63.

FD may accept.

(Id). B.D.J.
24/10/63.

(9) It will also be necessary to obtain the views of the Law Department about the feasibility for amending the present act with a view to collect Betterment Levy in the manner proposed above.

(10) As the subject of betterment levy is proposed to be discussed in a Special Cabinet meeting to be held on 17.11.1963, this note is put up for approval to the rates proposed in para 7 of the note.

A NOTE ON
AMENDMENTS TO THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT OF 1957.

Certain practical difficulties were encountered in the collection of Betterment Levy as per provisions of the Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957. The main difficulty encountered in the fixation of the quantum of Betterment Levy is the correct assessment in the unearned increments in the land value consequent up the construction, improvements or restoration of an Irrigation work, Betterment Levy is intrinsically related to the quantum of Betterment estimated to h occured in the value of land under the irrigable co and the quantum of Betterment Levy would be equal to 50% of the increase in the land value, consequent u the execution of the irrigation works.

From the Secretariat Files on record it is observed that following two alternatives were suggested for fixing Betterment Levy:-

1) Increase in the value of land based on sale transactions in the commanded area; and

2) Increase in the gross produce of the land consequent upon the construction of the irrigation work;

The above two alternatives appear to have been considered in detail and finally the Council of Ministers has approved Levy of Betterment Charges b upon the crop pattern at a flat rate as under:-

1. Sugarcane: -- Rs.1000 per acre.
2. Paddy. -- Rs. 750 per acre.
3. Irrigated dry crop. Rs. 350 per acre

Consequently it was proposed to amend the Mysore

.....P.t.o.

Irrigation (Levy of Betterment and Contribution) Ac 1957 accordingly, to provide for the above.

2. A study of the existing systems of irrigation under the various irrigation projects in the State would reveal that there is considerable diversity in the Crop Pattern as well as in the method of sanctioning of crops as detailed below.

Tungabhadra Project Right Bank Canal (Low Level Canal):

Under Tungabhadra Right Bank Canal the system known as Localisation has come to stay. According to this an area of only 92,345 acres out of the gross command of 2,94,000 acres has been localised partly for wet cultivation and partly for dry-cum-wet cultivation. This Crop Pattern thus is almost a fixed one and would continue to exist as long as the Localisation System is allowed to stay. Only a few of the large number of cultivators under the irrigable command have gained the benefit of irrigation and even among the few, there is discremination for wet and dry-cum-wet cultivation. This is considered to be unjust inequitable.

Tungabhadra Project - Left Bank Canal:

There is Localisation under Tungabhadra Left Bank Canal also. But under this Canal quite a large percentage of area of the gross command has been localised. Though quite a large number of cultivators get the irrigation benefit (i.e. 5.0 lakh acres out of 9,00,000 acres) there is discrimination for wet cultivation and dry-cum-wet cultivation which would be of a permanent nature under the Localisation Scheme.

Ghataprabha Project:

Under this Project, lands which are fit for different types of crops have been scientifically assessed and crops are sanctioned on the basis of demands submitted by cultivators as per provisions of Bombay Irrigation Act. Under this system, it is

possible to change the Crop Pattern evey year in the case of dry-cum-wet lands and every six years in the case of wet crops.

BHADRA PROJECT:

Under this Project, the Canals are still under construction and about 46838 acres have been brought under irrigation. The lands have been demarcated on the basis of the soil classifications under 3 different categories suitable for perennial, wet and dry-cum-wet cultivation. Thus the Crop Pattern is more or less permanent and the concerned irrigators can grow the prescribed crops or any crop lighter than the prescribed crop more or less on a permanent basis.

3. The above examples of a few Major Irrigation Projects illustrate that different systems of irrigation exist on different Projects and each have their own peculiarities.

The draft Irrigation Biil, clause 32, seeks to unify the different system and the rules thereunder, which have yet to be framed should be so framed as to allow sufficient flexibility, rotation and diversion in the crop Pattern, more or less akin to the Block System prevailing on the Deccan Canals of the Maharashtra State. The existing Localisation Scheme on the Tungabhadra Canal is most unjust and inequitable and results in specific advantage being given to specific persons through specific lands for an indefinite period, thus opposing the very basic principles of social equity and justice and contrary to the concept of a Socialistic Pattern of Society.

4. Block System:

Prior to 1938 in the then Bombay State, there was considerable confusion in the Irrigation

Irrigation practice prevailing on the Deccan Canals resulting in unsystematic Irrigation, indecisive Crop Pattern and imbalance in the distribution of Irrigation benefits in the commanded area. The then Government of Bombay thereupon instituted an Irrigation Enquiry Commission headed by late Sir M. Visveswariah who evolved what is known as " the Block System of Irrigation" as the most efficient, just and stable form of Irrigation system. The Block System as evolved by late Sir M.Visweswariah on the Bombay Deccan Canals is briefly described below.

(1) The entire irrigable command is divided into different zones suitable for perennial cultivation, wet cultivation and dry-cum-wet cultivation based on the soil classification and sub-soil drainage.

(2) Every cultivator is free to apply for the type of crops and the extent of irrigation required in his land year after year and grow only such crops as are permitted by the Irrigation Department.

(3) The irrigable command is covered by perennial blocks, two seasonal blocks and seasonal blocks. In the perennial block 1/4 to 1/3 of the block area can be under the perennial irrigation in rotation with other types of lighter crops.

In the two seasonal block, a two seasonal crop to the extent of 50% of the area can be in rotation wit any lighter crop and in the seasonal block between 50% to 100% of the area can be under irrigation in any one season subject to availability of water.

The total number of blocks available for distribution in the irrigable command will be related to the availability of waters and no irrigator can have a per-

....p.5.

manent block. A perennial block can be held by any cultivator for a maximum period of 6 years only, after which it is open to Government to sanction the block in favour of any other cultivator in need and not having a perennial block.

Similarly in the case of two seasonal block every 3 years the block sanction can change hands and in the case of the seasonal block practically the blocks do not change hands but the extent of area which can be cultivated within the block in any year is dependent upon the availability of water supply. This method of irrigation by block system is considered to be the most rational particularly in areas having a large irrigable command and with diverse soil types, and limited water supply. Under this system, the entire irrigable command is provided with net works of distributaries and field channels and each cultivator can have canal water leading to his land. The vailable facilities are distributed over as large an area as possible and at least a fraction of every cultivator's holding will be under some type of irrigated crop or the other. Even perennial blocks can be sanctioned, though to a small extent, to as many cultivator's as possible. Even if a cultivator does not get a particular type of crop sanctioned in a particular year, he has every chance of getting such a sanction in the subsequent period on revision. Thus, this Block System of Irrigation is most suitable for establishing a Socialistic Pattern of Society, wherein no selected few will be entitled to irrigation benefits indefinitely at the cost of other Tax Payers similarly situated. There are fifferent type of Block Systems, which cannot be dealt with exhaustivel in this Note. These are mentioned

of the Irrigation Enquiry Commission, mentioned above and copies of the same are available with the Government of Maharashtra and can be obtained if required.

As stated in para one above, the proposal at present before the Government of Mysore is to levy the Betterment Charges at a flat rate according to the type of crop irrigated in a particular piece of land. Such a system is likely to create and perpetuate vested interests in so far as it confers a right on the cultivator to grow a particular type of irrigated crop, because the Government has once for all committed to give him that facility when the Betterment Charges are levied on that basis. In the case of perennial and wet cultivation there is likely to be a great scramble and such of the persons who succeed in getting sanction for sugar-cane or paddy will be required to pay the Betterment Levy according to the crop and once they pay the Betterment Levy they and their successors would be entitled in Law to grow that type of crop permanently in their lands. Other cultivators who would not succeed in the beggining to get sanction for perennial or wet cultivation would never be able to get such a sanction any time in future, nor their posterity will be able to gain such an advantage. The levy of Betterment charges based on crop sanction on a permanent basis would, therefo lead to the creation and perpetuation of vested interests, irrevocable in Law.

5. <u>Proposed Basis for Betterment Levy</u>:

As stated in para (1) of the Note, the Betterment Charges are levied on the basis of the betterment that would naturally accrue to the land under the irrigable command, merely because the irrigation facility has been created for that land. The betterment of the land is reflected in the potential increase in the value of the

land, in the context of its capacity for additional yield due to the facility of irrigation. Therefore, betterment can be measured either in terms of increase in the value of the land subsequent to the advent of irrigation or in terms of increased yield subsequent to irrigation or both put together. But it would be desirable to analyse and assess the quantum of betterment in terms of the following two components:-

(1) General Betterment Levy: This should relate to the general increase in the value of land with relation to its intrinsic value and its irrigable potential;

(2) Special Betterment Levy: This should relate to the specific increase in the value of land due to sanction of speci ic types of irrigated crops either on a permament or a temporary basis.

Assessment of the general increase in the value of the lands does not imply any commitement on the part of the Government and as such the levy of Bettermnett Charges at a flat rate on the entire irrigable command in the three major categories of (i) perennial, (ii) wet and (iii) light irrigation would be perfectly in order. Subsequently this general increase in the price structure will further undergoe a slight change due to periodical sanction of irrigated crops. Thus, a land for which sugarcane has bee sanctioned for any period is likely to fetch higher value due to its increased returns. Therefore, Special Betterme Levy can further be levied on lands in terms of crops sanctioned.

In the past, difficulties have been expressed by the Betterment Levy Officers with regard to the levy of Betterment Charges based on actual assessment

of the increase in the land value in relation to sale deeds or increase in the gross produce based on crop cutting experiments. Both these difficulties can be circumvented by the levy of Betterment Charges at a flat rate over the entire command. Thus, the flat rates for the General Betterment Levy should be carefully assessed on the basis of general sale transactions of similar types of lands and similarly the Special Betterment Levy should be assessed on the basis of general increase in the yield of similar types of lands due to irrigation.

6. A Major Policy Decision:

In view of what is stated above, it is very necessary that Government takes a firm decision as to whether it would be advisable to have the Localisation type of Crop Pattern or the Block System of Crop Pattern type of Crop Pattern or the Block System of Crop Pattern, as a matter of major policy decision. If it is the intension of the Government to continue the Localisation type of Crop Pattern, then the decision already taken by the Council of Ministers to levy the Betterment Levy at a flat rate, please vide para (1), may be adopted. But if the intention of the Government is not to perpetuate Localisation type of Crop Pattern, but to introduce Block System of Crop Pattern mentioned in para (4) above, then it would be desirable to levy the Betterment Charges as suggested below:-

(a) General Betterment Levy:

1) Lands suitable for perennial irrigation.	Rs.400/-	per a
2) Lands suitable for paddy or similar cultivation.	Rs.300/-	-dc
3) Lands suitable for irrigated dry crops.	Rs.200/-	-dc

This levy may be collected in 20 equal annual instalments.

(b). Special Betterment Levy:

In addition to the General Betterment Levy, a Special Betterment Levy on the basis of actual crop sanctioned may also be levied as under:-

1) Sugarcane: Rs.35/- per acre.

2) Paddy. Rs.20/- per acre.

3) Irrigated Dry Crop. Rs. 5/- per acre.

These charges should be levied annually on the basis of crops sanctiondd at a flat rate for a period of 20 years.

7. Summary of Recommendations:

1. Localisation or Block System: As a Major Policy Decision Government may have to take immediate decision whether they would like to continue the existing Localisation System or to introduce the Block System as prevailing on Bombay. Deccan Canals.

2. Is Localisation Scheme Irrevocable: The question as to whether the Localisation Scheme already in force is irrevocable or not is under the consideration of Government in Law Department. An early decision may be taken in this regard to guide further decisions of Government.

3. In case the Government is of opinion that the Localisatic System is irrevocable or that the Localisation System is the best one, then the decision already taken by the Cabinet to change the Betterment Levy on a uniform rate, please vide para (1) above, may be adopted straightway.

4. But, if the Government is of the opinion that the Block

System of Crop Pattern is more suitable, then the Betterme Levy may be divided into two components as under:-

a) General Betterment Levy based on the general increase in the value of land irrespective of crop pattern; and

b) Special Betterment Levy, based on the Crop pattern and linked with the Crop sanctioned on a periodical basis. The details are mentioned in paras 5 and 6 above.

Statement indicating the financial return in accordance with the proposed levy of Betterment contribution on planned outlay on Irrigation Projects:

To the end of First Plan.	Rs.37.28 crores (Including Tungabhadra)
Second Five Year Plan.	Rs,63.96 crores.
Third Five Year Plan (Plan Provision).	Rs.40.66 crores.
	Rs.141.90 crores.
or	Rs.142 Crores.

The extent of land to be brought under cultivation at the end of the Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficulties in cent percent realisation, the definitely anticipated area that will come under irrigation is 11.65 lakhs acres made up as follows:-

Sugar Cane.	Rs. 1.69 Lakhs acres.
Paddy.	Rs. 2.95 Lakhs acres.
Irrigated dry crop.	Rs. 7.01 Lakhs acres.
	11.65

The return on the said area in accordance with the levy as decided by the cabinet is as follows:-

Sugar Cane	@ Rs.1000 per acre	- 1.69 Lakhs x 1000	=	16.90 acres.
Paddy.	@ 750 per acre	- 2.95 Lakhs x 750	=	22.12 acres.
Irrigated dry crop	@ Rs. 350 per acre	- 7.01 Lakhs x 350	=	24.54 acres.
				63.56 acres.

i.e., Rs.3.18 crores per annum.

the return on Rs.142 crores works out to 2.24% per annum.

The return according to the levy suggested by the Chief Engineer, (Irrigation Projects) is a s follows:-

1. General Betterment levy:

			Rs.	
1) Sugarcane	@ Rs.400/- per acre	1.69 lakhs x	400	= Rs.5.76 Crores.
2) Paddy.	@ Rs.300/- per acre	2.95 lakhs x	300	= Rs.8.85 Crores.
3) Irrigated dry paddy	@ Rs.200/- per acre	7.01 lakhs x	200	= Rs.14.02 crores.
		Total I		Rs.29.63 Crores.

II. Special Betterment levy for 20 years:

1. Sugar Cane at Rs.35 per acre per annum - 1.69 Lakhs x 35 x 20 = 11.83 Crores.

. Paddy @ Rs.20 per acre per annum 2.95 lakhs x 20 x 20 =	11.80	Cro
. Irrigated dry crop @ 4 Rs.5 per acre per annum 7.01 Lakhs x5x20 =	8.01	"
Total II	30.64	"

Grand Total I + II Rs.60.27 Crores.

i.e. Rs.3.13 crores per annum

the return on Rs.142 crores works out to 2.20% per annu

C.291/63.

Extract from the Proceedings of the Fifty-second *Meeting o*
Council of Ministers held at Bangalore on 17th November *19*6

SUBJECT:- C.291/63.

Betterment Levy.

DECISION OF CABINET.

(92) It was decided that the Betterment Levy should be imposed not on the basis of a permanent localisation pattern but according to block system similar to the one evolved by the late Sir M.Visvesvaraya for the Bombay Deccan Canals.

(93) A flat rate of Rs.500/- per acre should be levied on all land benefitting from major and medium irrigation projects; for areas under minor irrigation projects, the flat rate will be Rs.400/- per acre. This is to be pai in 20 (Twenty) annual equal instalments.

The remaining element of betterment levy will be collected along with the normal water rates on a long-term basis as indicated below:

Type of Irrigation.	Normal Water Rate.	Element of betterment levy.	Tota
	Rs.per acre.	Rs.per acre.	Rs. per a
1	2	3	4

112
SECRETARY
No PWS 1356
18 NOV 1963
PUBLIC WORKS & ELEC. DEPT.

1	2			
(a) Perennial wet including sugarcane.	7[illegible]	plus	$\frac{1[illegible]0-8[illegible]}{20}$ = [illegible] for 20 years.	[illegible]/-
(b) Single wet (paddy)	2[illegible]	plus	$\frac{750-800}{20}$ = 12.[illegible] for 20 years.	3[illegible].5
(c) Dry-cum-we[illegible] .	1[illegible]	plus	[illegible] -	1[illegible]/-

194 In consultation with the Law Department, necessary steps should be taken to amend the existing Act, if necessary, with a view to collecting betterment levy in the manner decided above.

SD/- S.NIJALINGAPPA,

17-1[illegible]-63.
CHIEF MINISTER.

MOST IMMEDIATE

Secy., P.W.D.

(A copy of orders issued on the decision, may please be sent to the Cabinet Section, for record).

195

GOVERNMENT SECRETARIAT
TAPPAL SECTION
141
19 NOV 1963
SECTION...
PUBLIC WORKS DEPARTMENT

"E X T R A C T."

DS (1)

Deputy Secretary to Government,
G.A.D. (Cabinet Section).

U/J (Spl. Imp.)

Please get the draft bill at Pags 168 to 1
retyped with ~~adds~~ amendments as indicated..

19/11/63

compared and put up.

20/11/63.

Kindly see the proceedings of the Meeting of th
Council of Ministers held on the 17th Nov. 1963 at p
192 to 194 of the file. A Draft Bill on the lines
the one at pages 168 to 170 incorporating the decisi
arrived at at the meeting of the Council of Minister
held on the 17th Nov. 1963 is placed below:-

In this connection kindly see item 3 of the pro
draft bill namely substitution of a new Section for
tion 4. For Sub-sections 1(i) and (ii) we may perh
have the following Sub-Sections worded in a general
manner so that when necessity arises at a later ~~xxxg~~
date for changing the amount fixed, there may not be
need to amend the Act. The Sub-Sections may perhap
worded thus:-

4) <u>The amount of betterment contribution</u>: 1) Th
betterment contribution levied under Section 3 shall
sist of (i) the General Betterment levy to be levied
the basis of the increase in the general value of th
land on the construction of ~~the~~ a Project, and ii)
Special Betterment Levy to be levied on the basis of
kind of crop grown or which can be grown on such lan
taking into ~~consideration~~ account the quantum of Wa
supplied to ~~those~~ such lands,

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Bill 1963

11 LB 1963 File No. ~~PWD~~ 137 G1 G of 1962

1

Provided that the levies so made under (i) and (ii) above shall be collected in 20 annual equated instalments. Under Explanation to Sub-Section 1 of Sec.4 what "A Major Irrigation Project", "A Medium Irrigation Project and a "Minor Irrigation Work" means is indicated. 200

If the suggestions made above is agreed to, then the definition of a Major Irrigation ~~Work~~ Project, A Medium Irrigation Project, A Minor Irrigation work may be given under Section ~~22~~ 2, namely "Definitions" after the present Sub-Section (e). 201

The obj ct of the amendmentsto the Act are to enable the levies being made as indicated in paras 192 and 193 of the Note File. 202 203

L D may be consulted

21/11/63

(S.Balasubramanyan)
Under Secretary to Government,
P.W.D.(Elecl. & Spl.Irrigation)

~~Ds~~ (1)

U/s. to Govt. dirn 204

26/11

Discussed. Please get the draft bill redrafted as amended early 205

28/11

A clean copy of the draft bill is put up for approval. 206.

29/11/63

~~Ds~~ (1)

Law Dept. will have to see the draft bill. Refer para 194 of the note. 207

WD-010154-GPB-PZS-3

29/11 208

~~I.J.~~ (D.) M A RAHMAN KHAN.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Bill 1963 — (1)

Mysore Government Secretariat

~~PWD File No. 137 G7G of 1962.~~ PWD 11 LBW 63

[App. F. III 2

Serial No.

209 Returned as desired.

PWD) MMR 2/12

210 Returned after effecting necessary corrections in the draft amending bill

LD) 2/12 2/12/63

Drafting section)

TO GOVT. No 13 NOV 1963

SECRETARIAT No. 30 NOV 1963 LAW-DEPT (REGISTRAR)

U/S-DI 30/11/63

Extract of paras 8, 9, 10 and 12 from the Note of the File No.PWD 10 LBW 64.

Revised Draft Rules regarding basic contribution and Special benefit contribution have been put up for approval.

Id/R.A.R.
2/3/64.

211 For perusal before sending the revised draft rules pertaining to Betterment Levy to Law Department for scrutiny.

Ib/-KBM.
2/3/64.

MYSORE GOVT. SECRETARIAT No. 2 DEC 1963 LAW DEPT (REGISTRAR)

212 XX XX XX

The draft rules may be referred to Law Department

Id/-CH.
2/3/64.

213 For necessary action.

3/3/64

K. A. RAMASWAMY,
Under Secy. P.W.D. & Irrig.

U/S-DI 3/12/63

214 Sri CKR 30/3/64 x x x MMR 3/12

Sri CKR 3/12/63

(Shri L. Ramaswamy) LD.

returned as desired MMR

MYSORE GOVT. SECRETARIAT No. 170 3 MAR 1964 LAW DEPT (REGISTRAR)

x x x MMR 4/3

Rules relating to Betterment Contribution Levy

P.W.D. File No. 11 LPW of 1953

Mysore Government Secretariat

Serial No. 190/Law VII

File returned as desired by W/S.

(W.D.) MNR 13/5

MYSORE GOVT. SECRETARIAT No. 652 13 MAY 1964 P.W.D. RECEIPT & ISSUE SECTION

The Secretary to Government, Law Department will kindly remember the discussion I had with him yesterday during the meeting of the Joint Select Committee on the Irrigation Bill regarding the Draft Rules relating to the Betterment Contribution Levy which was under consideration of the Law Department. As you were not sure whether that file is with the Law Department, I had made an enquiry about it which has been obtained from the Law Department and which I am referring back to you for urgent scrutiny of the same as the Amendment Act in regard to the Levy of Betterment Contribution and Water Rate will have to be given effect to from the current year itself.

An immediate action is requested.

Law Secretary) Chandappa 13/5/64

SECRETARY TO GOVERNMENT No. PWSOD 103 PUBLIC WORKS & ELEC. DEPT.

Returned as desired by W/S P.W.D.

Sri Q.A.Q. a/s-P.W.D.) MNR 18/5

MYSORE GOVT SECRETARIAT No. 55 14 1964 LAW DEPT. REGISTRAR

W/S-DI

Sent to the dept as instructed by the W/S. (Spl)

Sri Ranganath Supdt. Law) 18/5/64

18/5/64

Submit with the Note 18/5/64

190/Law VII

LD 350

117

[App. F. III 2

File No. PWD 11 LBW 63 of 196

Serial No.

219 Revised draft placed in the file. It is necessary to appoint Betterment levy officers.

P.W.D.) MML 19/5

M. L. RAMASWAMI,
Under Secretary, Law Dep.

SECRETARIAT GOVT. SECRETARY No. 687 22 MAY 1964 P. W. D. (RECEIPT & ISSUE SECTION)

MM 21/5/64

220 For approval of the draft Rules

MM 21/5/64

221 DS) The draft rules as finalised by the Law Department may be perused and approved

23/5/64
DS(I)

Secretary P.W.D.)

SECRETARY TO GOVERNMENT No..... 5 JUN 1964 PUBLIC WORKS & ELEC. DEPT.

222 CM.

Min. P.W. may also kindly see the draft rules which have been scrutinised by L.D. before submission to C.M. for approval.

Ch 6/6/64.

A copy of the Act with Amendment Bill may be placed on the file.

Ch

A copy of Act along with a copy of Amendment Bill 1963 are submitted.

Min. P.W.

As discussed

Note.—Contn. Sheet

FLAG "X"

6/6/64
P.A. to Secy. P.W.D.

DEPT (REGISTRY)

Serial No.

personally, I am sending this file to R.S. for perusal before submission to Min for/C.M.

CA
6/6/64

R. S. (Sheshadri Rao)

I suggest that the following modifications may be 223
de in the draft rules:-

Rule-3, sub-rule2:-

After the words, "in the official Gazette", ibstitute, "at the Chavadi or Chavadis as defined in ie Mysore Land Revenue Act, 1964, in the village or illages in which the benefited lands are situate". am proposing this modification as the expression Chavadi" has been defined in the Mysore Land Revenue ct and the Deputy Commissioners of Districts have ssued notifications about the places which should be eemed to be Chavadis in villages in which no Chavadis xsit.

Rule-3, Sub-rule-3:- Reference to beat of drum has een omitted from the Land Revenue Rules as it would e difficult to arrange hereafter for any announcement being made by by beat of drum as the minor illage servants who were formerly doing this work would

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act 1963.

Mysore Government Secretariat

PWD File No. 11 of 1963 — Rules

[App. F. III 2

119

Serial No.

would not be available after the Mysore Village Officers Abolition Act comes into force. I therefore suggest that sub-rule 3 may be omitted.

The other Rules appear to be in order.

6/6/64
N. NARASIMHA RAU,
Secy., Rev. Dept.

Secretary, P.W.D.

(Sri. Chandappa Patil)

224 I agree with R.D.

L.D. may see the proposed amendment for comments

L.D.

225 There can be no objection to amend draft rule 5 as proposed in para 223.

MHL 8/6

Mas 10/6

P.W. Dept)

H. A. SRINIVASAN
Deputy Secretary to Government

D/S(I) 11/6/64

226 As agreed to by the Law Dept, draft rule 5 is modified as proposed by R.D in para 223 of the note ante.

D/S(I) 12/6/64

Secy P. WD)

12/6/64

DS(I)

227

Note.—Contn. Sheet

REVENUE SECRETARY No. 6113 - 6 JUN 1964 GOVERNMENT OF MYSORE
SECRETARY TO GOVERNMENT No. 6 JUN 1964 PUBLIC WORKS & ELEC. DEPT.
LAW DEPARTMENT No. 938 9 JUN 1964
MYSORE GOVT. SECRETARIAT 777 11 JUN 1964 P.W.D. (RECEIPT & ISSUE SECTION)
SECRETARY TO GOVERNMENT No. 12 JUN 1964 PUBLIC WORKS & ELEC. DEPT.

File No. of 196 .

Mysore Government Secretariat

Serial No. 27

The Staff Rules and The Mysore Irrigation (Levy of betterment contribution) Rules, 1964 as scrutinised by L.D. & which had been seen by R.D. may kindly be approved.

Ch 12/6/6 PATEL, CHANDAPPA
Secy., P.W. & Elecy. Depts.

Min. p.o.

C.M. 228 V. Patil 15/6
(VEERENDRA PATIL),
Minister for Public Works.

17/6/64
S. NIJALINGAPPA
Chief Minister

229

Secy (PWD) Ch 18/6

necessary action may be taken vigorously

230 Ch 18/6

SECRETARY TO GOVERNMENT PWD/3986 1 JUN 1964 PUBLIC WORKS & ELEC. DEPTS.

OFFICE OF THE MINISTER FOR PUBLIC WORKS No. 1304 15 JUN 1964 BANGALORE.

OFFICE OF THE ... 2 16 JUN ... BANGALORE

SECRETARY TO GOVERNMENT PWD/4022 18 JUN 1964 PUBLIC WORKS & ELEC.

WD-010154—GPB—PZS—8,000—1-10-61

19/6.

The Mysore Irrigation (Levy of Betterment contribution) Rules 1964

Mysore Government Secretariat

File No. PWD 11 LB W 63 of 196

[App. F. III 2]

Serial No. 231

If approved, the draft notification as finally revised by the Law Dept will be sent to the Compiler, Mysore Gazette for publication in a Gazette Extraordinary dated 2nd July 1964. The time for preferring objections or suggestions may be fixed as 30th July 1964.

Dorlas 30/6/64

D/S(I)

Secy. P.W.D.

232) 30/6/64 DS(I).

SECRETARY TO GOVERNMENT No. 4463 30 JUN 1964 WORKS & ELEC. DEPT.

1/7/64

233) 1/7

234) 1/7/64

Issued Dated 3/7/64

231) Keep in file till the copies of Notification are received from Press. (The forge of this Mysore G. may be noted)

24/7/69

236) 6/8/64

SECRETARY TO GOVERNMENT No. 4869 5 AUG 1964 WORKS & ELEC. DEPT.

file removed to the safe

2/8/64

Note.—Contn. Sheet

S.S.N.

File No. PWD 11 LB 2563 ~~of 196~~.

Mysore Government Secretariat

	Serial No.
~~Reasons given for deciding~~	
237) Preliminary notification inviting objections in to the Proposed draft Rules was sent to the Government Press for publication in part IV of a gazette extraordinary vide copy 75 Consider this section. The Government has not so far received any objections, he will be addressed to intimate the date of the publication of the proposed notification. 238) A draft is put up for approval. 7/8/64	
Issue 16/8/64	23:
ISSUED 10/8/64	237
PWD 1155 SP/64 dated 14-8-64	
Preliminary notification ~~has already~~ regarding the Mysore Irrigation (Levy of Betterment Contribution and) Rules 1964.	240.

In the ~~Extraordinary~~ extraordinary Gazette of 28-7-1964. For inviting objections from the affected persons. The time limit given for ~~to~~ receiving objections is not over. Govt. has not received any objection from the affected persons. It is for orders whether the final notification may now be issued in consultation with Law Dept.

18/8/64.

18/8/64

41 A Notification publishing the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964 was published in the Mysore Gazette under Notification No.GSR 204 dated 3-7-1964. Objections or suggestions ~~are~~ were also invited with respect to the draft Rules on or ~~after~~ before 30-7-1964. So far no objections or suggestions have been received from any person. It is now for consideration whether the final Notification bringing the rules into force be published.

42 The previous Rules published in Govt. Notification No. 47 GIG 59, dated 15-3-61 have not yet been superseded by issuing a specific Notification

File No. of 196 .

Mysore Government Secretariat

Serial No.

It is for consideration whether in the draft notification now to be issued a specific mention may be made about superseding the rules published in 1961.

A draft Notification is also put up for consideration. The L.D. may kindly scrutinise the draft Notification.

243

Secy (P. WD)

L. D)

19
19-8-64

20/8/64
DS(I)

Law Deptt)

CK
21/8/64

CHANDRA PATEL,
Secy., P.W.D. Secy.

MYSORE GOVT. SECRETARIAT
No. 22
LAW DEPT (REGISTRAR)

The preamble of the draft is revised as in slip attached to the draft Rules as at "Y" The Mysore Irrigation (Levy of Betterment contribution) Rules, 1961, are repealed by rule 12 of the proposed Rules.

PWD)

MNL
8/9

244

Sn-CR.R
24/8/64

MYSORE GOVT.
133
SEP
P.W.D. (RECEIPT)

Serial No.

245 The Law Department has furnished a revised draft Notification. A typed draft is put up for approval. The draft Notification approving the draft Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964, may now be issued and published in the Mysore Gazette. Minister, P.W. and C.M. have already seen vide paras 223 and 229.

10-9-64
U.S. PWD.

D.S. (I) 10/9/64

J.S. PWD.
S. G. BALEKUNDRY,
Jt. Secy., P.W. & Elec. Dept. (Irrn.)

Secy. PWD.

246 May issue.
16/9/64.

247 Attention of the S.Es & E.Es will have to be drawn to the obligatory functions cast on them by virtue of various provisions of

DRAFT GAZETTE No 633/64 1964 WORKS DEPT

SECRETARY TO GOVERNMENT No ..... 16 SEP 1964 PUBLIC WORKS & ELEC. DEPTT.

Serial No.

the Act & the Rules.
They should initiate action soon after the publication of the Rules.

Pl. draft a letter explaining the various steps they have to take for implementation of the Act & the Rules.

The notification under Rule 3 have to be issued before the end of March so that the demand notice could be served upon the cultivators before the end of June & the first instalment becomes due for collection on or after 1. 4. 65.

After issue of the D. N. & for publication

687/64

12)

re Government Secretariat

File No. PRD 11 L/8/63 of 196 [App. F. III 2

Serial No.

The draft of the letter as suggested above may be put up. Despatch the draft by 22.9.64.

Ch
18/9/64

TO GOVERNMENT
Pres/5745
17 SEP 1964
TO WORKS & E

most urgent

DS(1) 250)
17/9

CHANDAPPA PATEL,
Secy., P.W. & Elecy. Dept.

17/9/64

ISSUED
Dated 19/9/64

25) - 7 Subject with a draft for approval. The Secretary Rd may also see before issue.
21/9/64

21.9.64

D.S(I)
J.S)
Secy. P. WD

21/9/64
DS(I)

S. G. BALEKUNDRY,
Jt. Secy., P.W. & Elec. Dept. (Irrn.)

252
~~26~~

pl. check up the date of ~~3.1.6~~ 1st April on which the instalment becomes due, is correct/appropriate. If it is correct, the

Serial No.

draft on any issue without referring to me. So I require the correction & date may be mentioned, & file shown to me personally by DS on 23.9.64 at ~~12~~ 11.30 A.M, (even though I may be in the meeting). The intention is that the letter should be despatched on 23.9.64.

CA
23/9

DS(1)

253) After issue of the letter 27
the same may be submitted to Min. P.W & C.M for information that the Rules have come into force & PWD officers & Rev. officers have been instructed to collect

Serial No.

timely action so that the first instalment could be conceded on or after ...

DSCI

23/9

CHANDRAPPA PATEL,
Secy., P.W. & E.ecy.

SECRETARY TO GOVERNMENT
PWD 5926
23 SEP 1964
PUBLIC WORKS & ELEC. DEPTT.

Review at 1-0 PM on 23/9/64
23/9/64

254) Regarding para 26. Law Department has been personally contacted by the u/s. Sm. I. Section, and suggestions of L.D. have been incorporated in the draft. Instead of "on or after 1-4-65" it is now noted as "Before 30-4-65" to be in accordance with Rule 8 of the "Betterment Contribution rules". With the above modification the draft letter addressed CEs/SE's/EE's/ may be approved

23/9/64
DSCI

Secy. P.WD)

REVENUE SECRETARY
No. 10354
23 SEP 1964
GOVERNMENT OF MYSORE

255) R.S. may also see the draft before issue.

23/9

256) Seen Thanks

24/9/64
N. NARASIMHA RA
Secy., Rev. Dept.

SECRETARY TO GOVERNMENT
WS 5965
23 SEP 1964
PUBLIC WORKS & ELEC. DEPTT.

257) 24/9

Secy PWD

258) 24/9/64 ISSU

Note.—Contn. Sheet

Rules relating to levy of Betterment Contribution

130)

File No. PWD 11 LBW 63 ~~of 196~~

Mysore Government Secretariat

Serial No.	
259) Resolved after issue of the Rules relating to levy of Betterment Contribution and also a circular to all the S.E.s, E.E.s and D.C.s issued for taking immediate necessary action in implementing the Rules. This may now be sent for information to Revenue Department for issue of circulars to Revenue Officers. (Minister) - Reg para 253 - one Para 253 out. 25/9/64	260
25/9/64 (D.W)	
D.S. (I) 25/9/64 DS(I)	261
Min. for P.W. V. Patil 27/9 (VEERENDRA PATIL), Minister for Public Works	262
C.M. 28/9/64	263
Secy (PWD)	
as D.O. letter of the Secretary P.W.D. addressed to all Division Commissioners requesting for taking immediate necessary action by calling a meeting of both P.W.D and Revenue Officers might have been issued from the Secretary's	264

From Flag.

OFFICE OF THE CHIEF I. N. No. 4861 28 SEP 1964 BANGALORE.

OFFICE OF THE MINISTER FOR PUBLIC WORKS 2074 26 SEP BANGALORE.

PWD/6076.

Serial No.

personal Establishment. Pl obtain the O/c and place it in this file.

265 Regarding Printing the rules in the Gazette I have requested the Director of printing and Stationery over phone for useful and he has agreed for the same. Secretary also Contacted him over phone for useful.

30/9/64
DS(I)

U/s
Spl. W/s.

Action in para 264 & 265

Serial No.

267

Submitted:

A D.O. letter to all the Divisional Commrs. as from Secretary, PWD. is put up for kind approval.

26/9/64

268

The Rules have been issued for publication. It is expected that these Rules would be published in the next issue of the Gazette which would be issued on the 1st of October 1964. According to the provisions of these Rules, some preliminary steps have to be undertaken by the officers of the P.W. Department and the Revenue Department if the first instalment of the Betterment Contribution is to become due for collection. A detailed letter explaining the functions at the various levels has been issued on 24-9-1964 a copy of which is placed in the file for perusal. Instructions have been issued that the officers concerned should take immediate action in regard to issue of notifications etc. so that the first instalment of the Betterment Contribution becomes due for collection from April 1965. This involves stupendous work on the part of these officers. Hence it would be better if the Divisional Commissioners convene a meeting of the concerned officers and explain the various steps the officers should take if the Government's intention to collect the first instalment of the Contribution from April 1965 is to be achieved. A draft letter addressed to the Divisional Commissioners is also placed on the file for approval.

TO GOVERNMENT 6066 28 SEP 1964 PUBLIC WORKS & ELEC. DEPT.
OFFICE OF THE CHIEF MINISTER NO. 4880 29 SEP 1964 BANGALORE.
GOVERNMENT PUBLIC WORKS & ELEC. DEPT.

Chandappa 28/9

(Chandappa Patel)
Secretary to Government,
P.W & E Dept.

et

Chief Minister)

269 Secy (PWD) Approved as amended 30/9/64

134

File No. of 196 .

Mysore Government Secretariat

Serial No.

Pl. put up the fair copies today by 11.30 A.M. 270

CK
6/10/64

Issued
[illegible]
[illegible] 271

letter issued and put up with reference to para 266. ante 272

spoken. A. indicate 273

9.10.64
9/X

12/X/64

Notification has been published in Gazette dated 1-10-1964 at page 952 of — This is put up for para 273 - ante. 274

The Divisional Commissioners may be asked to intimate the action taken on the Govt letter of even no. dated 6-10-64. Draft D.O. reminder is put up for approval 275

26/10/64

D/S(P) ~~draw~~ personally intimate to put up a reminder to the Div. Commrs requesting them to intimate as to the action taken on the [illegible] dated 6.X.64. Hence it is putting. 276

WD-010154-GPB-PZS-8,00,0

26/X

277) 278)

D.S. (P) 27/X

Issue
[illegible]

Mysore Government Secretariat | File No. PWD 11 LBS 63 of 196 | [App. F. III 2

Serial No. 279

We will have reminded Dr Cons. regarding inquiry action taken. put-up draft in draft. CH 7/11

280) The Secretary desired that another D.O. reminder may be issued the Dr. commissioners under his signature.

S.....
9/11

281) Reply from the Div. Commr Bangalore Dr has been received - Flag K

PWS/6669 9/11/64

Subject with a D.O. reminder - the annexure and the signature of Sy. Secretary.
9/11

282) Put up typed pl
10/11/64

283) A typed D.O. reminder is put up for approval
11/11

284) 11/11/64

285) 11/11/64

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (I

SECRETARY TO GOVERNMENT
No
12 NOV 1964
PUBLIC WORKS & ELEC. DEPT.

Secy. P.W.D.

286) I have revised the draft a little extensively. A fair copy of the draft may be placed on the file. CH 12/11

D.A. to put up the draft CH

Note.—Contn. Sheet

File No. PWD 11 CBW 63 of 196

Mysore Government Secretariat

Serial No.

287) The letters in any issue today.

288) We are in receipt information from Dr. C.S. Rao, as he is not being reminded.

Ch
13/11

1 yes Sir.

SECRETARY TO GOVERNMENT
6641
13 NOV 1964
PUBLIC WORKS & ELEC DEPT.

SCI

CHANDRA PATEL,
Secy., P.W.D. & Elecy. Dep

ISSUED
Dated 13/11/64

289) Resolved. The report running from the Divisional Comm. Bangalore Division (may kindly be seen at page 211 of C.F. Plg) 13/11/64 16/ This may be sent to Secy. Mother for his kind perusal: Ref. para 288 ante. 289

290 A meeting has been held by the Divl. Commr. Bangalore in his office on 16-11-64. The draft of Betterment contribution was discussed in detail. Certain doubts about the definitions in the Amended Act and Rules were raised. The

Serial No.

I. ~~Defi~~ Definition of a Minor Irrigation Work, which was argued was not very specific in its definition as inserted by clause 7(c) in the Act of 63.

II. The question of collecting the levy on a achkal after improvements etc. with reference to the enlarged area was also discussed. It was felt that there may be difficulties in levying the contribution on an enlarged Area, under the provisions of the Amended Act, as contributions are already decided on the areas which were under Irrigation prior to the improvements.

III. A doubt about how the Govt. should come to conclusions about the error/s in the Notification issued by the Specified Officer, under Section 3(2) of the Amended Act, and the procedure to be followed.

IV. In the forms appended to the Rules some doubts about columns 4 in forms I and II and column 9 in form III,

135)

Sub: Imposition - [illegible] Rules [illegible]

File No. DUD-11. LBW. 63. of 196

Mysore Government Secretariat

	Serial No.
Form IV was also raised.	
The Municipal Commissioner has proposed to write to Govt. for clarification. This reference will be issued.	281.
The clarifications to issue will have to be officially taken at the State; hence it would be useful if the meetings to be held by the other Mun. Commissioners, is also attended by some Officer of the Govt. So that a clear and general clarification is issued, finally on all doubts.	282.
D.S. (P)	283

Irrigation - Betterment Contribution Rules.

Serial No.

Receipt no 1777 from the Divisional Commr Gulbarga Division Gulbarga.
Receipt no 1801 from the Divisional Commissioner Belgaum Division Belgaum.

293) Orders of the Secy. PWD on the PWD.

" P. examine ~~for~~ urgently the points at A and B."

(Sd.) C.P. 16/4

294) Subject for perusal. The points raised by the Divisional Commr Belgaum, marked A and B by the Secy. PWD are the following:-

i) As per sub-section 1(b) of Section 2 of the Mysore Irrigation (Levy of Betterment and water Rate) Act 1957 Govt have to appoint Betterment Levy Officer in respect of any area or irrigation work. There are no Betterment Levy Officers functioning at present in any of the Govt Divisions for attending to the above work.

ii) The Divisional Commr Belgaum has requested to issue necessary orders regarding the appointment of one Betterment Levy Officer for his Division after sanctioning the post - and the necessary staff under him

iii) Kindly see the letter of the Divisional Commr Gulbarga received on the matter. He has proposed to appoint the Asst. Commr

Irrigation – Betterment Contribution Rules

File No. PRC 11 UBR 63 of 196 .

Mysore Government Secretariat

Serial No.

of the Sub-Divisions as Ex-officio Betterment Levy Officers within their jurisdiction in order to take up the preliminary work of levying contribution and to see that work is completed within the stipulated time.

Secondly, the Divisional Commr. Belgaum has got authority to issue necessary directions to the Director of printing and Stationery Bangalore to print and supply the forms to the Deputy Commrs in accordance with their indents only.

As regards first point, a notification appointing the Asst. Commrs of the Sub-Divns as Ex-officio Betterment Levy Officers within their jurisdiction may be issued in consultation with L.D. A draft notification is also putting for approval.

As regards staff under him, this question may be taken up later when the work of levying Betterment Contribution proposals and the need for staff is keenly felt.

Regarding second point, a draft letter to the Director of printing and Stationery Bangalore is also put up for approval.

[illegible] 8/11/54

WD-010154-GPB-PZS-8,0[illegible]

Serial No.

299) There seems no objection to appoint all Asst. Commissioners as the Betterment Levy Officers to function under Section 4 (4) (a) of the Amended Act. Draft notification enclosed.

300) As regards supply of forms to the Divl. Commrs. of the Revenue Divisions may be authorised to supply the forms. Draft enclosed.

Dr. H. R. D. and L. D. may issue the draft notification.

21/11/64

301) D.S. (I)

The letters received from the Divl.Commr.Belgaum dated 11-11-64 and the letter of the Divl.Commr. - Gulbarga dated 13-11-64 placed at pages 217 to 219 of the c/f may be perused.

They deal with the following points:

1) appointment of Betterment Levy Officers in respect of an area of irrigation works,
2) supply of forms 1,2 and 3 appended to the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964.

Re: item 1 above, as per section 2(1)(b) of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 Govt. have to appoint Betterment Levy Officers. For convenience, it is desirable that

(142)

File No. PWD 11 LAC 63 of 195

Mysore Government Secretariat

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the Asst.Commrs. of the Revenue Sub Divisions may be appointed as ex-officio Betterment Levy Officers within their jurisdiction with immediate effect. The Divl. Commr. Gulbarga has intimated in his letter that in view of urgency, he has already instructed all the Asst.Commrs. of the respective sub divisions to go ahead with the work in anticipation of approval of Govt.

A draft notification proposed to be issued appointing (302) the Assistant Commissionors of the Revenue Sub Divisions as ex-officio Betterment Levy Officers within their revenue jurisdiction is placed at page 221 of the c/f which may be perused and approved.

A letter already addressed to the Director of Printing and Stationery requesting to supply requisite number of copies of forms is also placed at page 229 which may be perused. (303)

ISSUED
Dated 24/11/64

Secy. PWD. Ch 28/11 (304)
Secy. Rev.Dept. (Shri Rao)
Law Dept.
Fin. for PWD.)

25/11/64.
M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrig.)
(305)
28/11/64

A revised draft notification (306) is placed in the file. As there can be no Betterment Levy officer for areas not benefited by any irrigation work, the notification should be issued in respect of Revenue-Sub-Divisions covered by irrigation works.

A

Shri Venkatesh, US will take this file personally to S & LD

SECRETARY TO GOVERNMENT
PWD 7153
7 NOV 1964
MINS & ELEC

& obtain their approval, & issue the notification

Ch

M. A. SRIKRISHNA,
Draftsman & Ex-Officio
Secretary, Law Department.
No. 1959

WD-010154-GPB-PZS-10,000-1-10-61

1959
HIGHER COURT SECRETARIAT
1930

Mysore Government Secretariat

File No. PWD 11 ZBW 63 of 196 [App. F. III 2

Serial No.

(307) The draft notification ~~put up~~ vetted by the Law Department may kindly be approved.

(308) As regards the point raised by the Joint Secretary at 'A' of his note of 2nd December, I had a discussion with him this afternoon. On my clarification that the works for which Betterment Levy will have to be charged will be found spread all over the State because it has been decided to collect Betterment Levy even on the Minor Irrigation works costing more a lakh of rupees, he agreed that all the Assistant Commissioners in charge of the Sub Divisions may be declared as Betterment Levy Officers.

Chandappa 2/12/64

(Chandappa Patel)
Secretary to Government,
P.W & E Dept.

OFFICE OF THE MINISTER FOR PUBLIC WORKS
NO. 2487
2 DEC 1964
BANGALORE.

Min. pt

(309) V. Patil 3/12.
(VEERENDRA PATIL),
Minister for Public Works

Secy PW & E.

(310)

(311) Issue today
5/12/64
ISSUED
Dated 5/12/64

Proc 1957 Sp/64 dated 7-8-1964

P.U.D is for perusal

The director of Stationery and Pub has requested to forward specimen of the three kinds of forms referred in the Govt notification No Proc II LBW 63 dated 19-9-

In this connection attention of the Director P&A Govt Printing may be invited to the Pages of the Bellemines Levy Rules in which necessary specimens forms have already been printed/pres

Draft is put up for approval

8/12/64. 3/4) [illegible] 9/12/64

9/1

ISSUED
Dated 10.12.64

A draft Reminder is put up, as directed ~~May issue after~~ ~~Secy. Governor~~ ~~Secretary~~

20/1/65

M. W. WINSTON,
Under Secy., PWD (Services).

~~D.S. (I)~~

316) 20/1/65

M. CHANDRAN,
Dy. Secy. to Govt. P.W.D. (I

Secy P.W.D)

317) The letter may be cyclostyled & my signature obtained before 11.30 AM today.

CG 21/1/65 (31

D.S. (I)

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Issued
Dated 21-1-65

CS

The progress reports for fortnight have been compiled & placed on the file. Pending a consolidated note for fortnight w.p.

(320 Clerk
Dis

The Mysore Irrigation (Claims of Retirement Compensation) Rules

Mysore Government Secretariat

File No. Mus 11 LAW 65 of 196

[App. F. III 2

Serial No.	
	Letter No 1627 SP/65 dated 21-8-1965
321	The reply from the Deputy Commissioner addressed to Divisional Commissioner for personal being informality no separate action is called for on this file. This file may also be placed in the main file
322	7/8/65 — 8.9.65
	AS (I)
	9/9/65

DRAFT RULES

1. These Rules may be called the Mysore Irriga (Levy of Betterment Contribution) Rules 1962 (Revised).

2. In these Rules unless the context otherwise requires ·

(i) 'Act' means the Mysore Irrigation(Levy of Betterment Contribution and Water Rate) Act 19

(ii) 'Form' means the form appended to thes Rules.

(iii) 'Gross Produce' means the whole of the produce harvested in the land, or where a crop pa has been prescribed for the area, the whole of t produce of the crops entering into such crop pat

(iv) 'Section' means a Section of the Act.

(v) 'Tahsildar' includes Deputy Tahsildar.

(vi) 'Year' means year commencing from the 1 July of each year and ending with 30th June of succeeding year.

3. (a) The officer authorised by the Governmen for determining the contribution under Section 4 of the Act shall, for the purpose of these Rules be referred to as the "Betterment Levy Officer".

(b) The Deputy Commissioner shall be, the Betterment Levy Officer in all cases in which th estimated cost of the work exceeds Rs. one lakh and in cases where the work in question extends over more than one ~~one area, the~~ Sub-Division of the District.

(c) In all other cases, the Assistant Commi ssioner in charge of the Revenue Sub Division sh be the 'Betterment Levy Officer'

In respect of works which are situated in more than one District or in case of special works situated in one or more Districts, Government may appoint any other officer as Special Deputy Commissioner or as Special Assistant Commissioner, as the case may be, as Betterment Levy Officer.

4. Government shall issue a notification in respect of every work which has been completed, the date of completion of such work, or in respect of any work which is in the process of construction from which the irrigation facility can be provided, the date from which such facility is provided.

5. After the issue of the notification referred to in Rule 4, the Engineer in charge of the work shall send to the Deputy Commissioner of the District a statement furnishing the following particulars:-

a) Name of the work,

b) Details of land situated in different villages; taluk/talukas including survey numbers, extent benefitted by the projects;

c) the acreage benefitting from the project either fresh or with an additional water supply;

d) estimated cost of the project

e) nature of the work, whether it is construction, alteration, expansion or restoration,

In the case of a work commenced or completed pr the coming into force of this Act, the date c commencement or completion of the work sl also be furnished.

6. On recei pt of these particulars, the De Commissioner of the District shall decide whe

the Assistant Commissioner incharge of Division has to do it. The Deputy Com may in special cases make a reference ment through the Commissioner of Surve ment and Land Records, for appointment officers for determining the contribut

7. The Deputy Commissioner shall put Form I the fact of commencement of pro for the levy of betterment contributio Betterment Levy Officer in respect of concerned.

8. The Betterment Levy Officer shall proceed to group or classify the land purpose of determining the betterment reference to the following factors:-

(a) Nature of irrigation.

(b) Ranges of assessment

(c) Crop pattern wherever it is

All lands, which come under the same assessment and which judged by the co are so situated as to derive the same benefit from the same work, shall be p the same class.

9. (1) The increase in the capital of the land shall be the amount by w value of the land on the completion d the value of the land on the construc

Explanation : Construction date pletion date mean respectively the d construction of the work and the date completion of the same, or any part o thereof, from which irrigation facili been provided as notified by the Depu ssioner ~~by the Deputy Commissioner~~ un

of capital value, the increase in the annual gros produce of each class of land shall be estimated.

10. In the case of a work whose construction, restoration, expansion or alteration was complete before the commencement of the Act , the estimate of annual increase in the value of gross produce shall be made with reference to the average of th price, prevailing during the three years immediate preceding such commencement; but in the case of a work whose construction, restoration, expansion or alteration is completed after the commencement the Act, during the three years immediately prece such ~~construction~~ completion.

Provided the average aforesaid shall not ex three times the price prevailing in 19 52-53.

(NOTE: The year 1952-53 is taken as the bas year as the price index of commoditi was equal to 100 and as it coincides with the commencement of the intensi irrigation ~~and~~ developmental phase).

11. For the purpose of determining the increase in the annual gross produce of the land, the outtu per acre ~~for~~ of each of the crops ~~shall~~ usually grov in a normal year, on the bulk of the land covered, shall be ascertained by the Betterment Levy Office in respect of

(i) the normal year immediately preceding the year in which the water was let in for irrigatior for the first time, and

(ii) the outturn per acre of each of the crops that enter into the crop pattern prescribed for th area , in a normal year immediately after the com-
mencemen

of the work. The Deputy Commissioner of the District shall specify the normal year for the purpose of this rule and his decision shall be final.

(2) The difference between the value of crops produced per acre of each class of land in the two normal years specified in sub-rule (i) shall be adopted as the value of the increase in the annual gross produce.

(3) The outturn per acre will be worked out on the basis of the average yield per acre of different crops which can be grown in the land according to the crop pattern on the basis of crop cutting expermients. Where the outturn of crop for the year preceding the year in which water was let in is not available, the estimate of the outturn shall be made after local enquiry and with refere to revenue records.

Where no other criteria are available or can be adopted, the outturn per acre may be estimated on the basis of crop-cutting experiment conducted on similar non-irrigated land in the locality.

12(1) Ten times the annual increase in gross produce estimated under Rule 11 shall be deemed to be the increase in the capital value of lands under each class.

Provided that in the case of lands which were originally under dry cultivation and which, with a view to derive benefit from the work, were brought under wet cultivation, a sum not exceeding 25% of the value of gross produce determined as above shall be deducted for the purpose of calculating the increase in the capital value of those lands.

The betterment contribution payable in respect of such class of lands shall be 50% of the difference betwee the said increase in the capital value and the cost of making the lands fit for advantageous irrigation under the work.

(2) The contribution payable in respect of each class of lands shall be expressed in terms of rate per acre of each class of lands.

13. The cost of making the lands fit for advantageous irrigation shall be estimated by the Betterment Levy Officers with reference to the following items:--

(1) Levelling,
) Bunding,
) Any other items of reclamation peculiar to the tract not forming part of cultivation expenses. The actual expenditure incurred in respect of some typical lands shall be ascertained by local enquiries.

14. After the rate for Betterment Contribution is fixed in this manner, the Betterment Levy Officers shall cause its publication

publication in the official Gazette and by a notice in Form No. II in the village Chavadi or any other public place in each village in which the lands benefitted by the work are situated. The fact of such publication sha be announced by tom tom in each such village On a duplicate copy of the notice, the willa officer shall furnish a certificate of publication attested at-least by two witnesses who are land-holders affected by tl levy.

~~Rule~~ 15.- Suggestions or objections against the rates specified in the notice shall be preferred in writing to the Betterment Levy Officer within thirty days from the date of publication of the notice.

~~Rule~~ 16 - The Betterment Levy Officer shall consider the suggestions and objections recei and after giving an opportunity to the partie concerned to be heard, finally decide the rat of betterment contribution leviable under the Act. He shall briefly record in a formal order for each class of lands or for each reg benefitted by the irrigation work, the suggest and objections received by him and the basis which the rates of Betterment contribution we finally fixed by him. The order shall be made on a date and at a place to be specified and intimated to the parties concerned. The rates fixed under this order shall be published in Form III in the official Gazette and in the Village/villages concerned in the manner speci in Rule No. 14.

A copy of the order together with relevant particulars shall be forwarded by the Betterment Levy Officer to the Tahasildar concerned for needful action being taken by the latter under Section 7 of the Act

17. The betterment contribution fixed as above shall be payable in 20 annual instalment Provided that the recovery of instalments shall not commence until after the expiry of the two years from the date of completion of the construction, [illegible] f [illegible] the work.

Provided further that where, before the commencement of the Act, two years or more have elapsed from the date of the completion of the construction, expansion, or alteration of the work, the recovery of instalment may be started at any time after such commencement

18. An appeal against the orders of the Betterment Levy Officer under Rule 16 shall lie to the Deputy Commissioner if the Betterme Levy Officer is an Asst.Commissioner in charge of a Revenue Sub Division Officer, and in all other cases to the Divisional Commissioner.

Such an appeal shall be preferred within sixty days from the date of the order passed finally by the Betterment Levy Officer. For the purpose of computing the period of appeal, the provision of Section ..... of the Limitation Act shall be applicable.

19. An appellate authority may call for and examine the records and may pass such orders as it deems fit, after giving the party an

20. Appeal petitions preferred under these Rules shall bear court fee stamps as prescrib in the Mysore Court Fees and Suits Valuation Act,1958.

21. Any ~~modidt~~ modification in the rates of Betterment Contribution made on appeal shall be notified by the Betterment Levy Officer in the official Gazette and in the villages concerned in Form IV and also communicated to the Tahasildar~~s~~ concerned.

22. The officer authorised to issue the noti of demand prescribed under Section 5 shall be the Tahasildar in whose jurisdiction the land benefitted is situated and the notice shall b in Form V. It shall be served personally on the land-holder and if he cannot be found, on any adult male member of his family residing with him, or by affixture at his last known residence, or sent by registered post to his last known address.

23. The annual instalment of Betterment Cont bution shall be paid in cash(where the contri bution is payable in cash) on or before the 30th June. Interest shall be charged at ~~8~~ 6% p annum on the amount of arrears of contributic

24. (1) Such of the land-holders as desire t surrender the whole or any part of their land under Section 6 of the Act shall make an application to that effect in writing to the Betterment Levy Officer within 30 days from the date of service of notice of the final

rder fixing the contribution.

(2) The land-holder shall state in the application:--

(a) The village in which the land is situated;

(b) Survey number and measurement of the land and the assessment fixed in respect of the land;

(c) the price of the land as calculated by the land-holder;

(d) the amount of betterment contribution leviable in respect of the land; and

(e) If the land-holder wishes to surrender any part of the land, the measurement of such part and the price of such part as calculated by him.

(3) The Betterment Levy Officer on rece of the application shall ascertain the price of the land, or part of the land as the case may be, with reference to the statistics of sales of similar land in the neighbourhood ar also with reference to the increase in capita value of the land, as determined under the Ru mentioned above.

25. The Betterment Levy Officer shall then notify the fact of surrender of lands with details by means of a notice in the village Chavadi, or any other public place in the village and the fact of such publication will also be announced by tom tom in the village or villages concerned and on the duplicate cc of the notice the village officers shall furn a certificate of publication attested at-leas by two witnesses who are residents of the village.

26. Objections, if any, regarding the lands proposed for surrender shall be preferred in writing to the Betterment Levy Officer within

sixty days from the date of publication of the notice.

27. The Betterment Levy Officer shall conside the objections received and finally decide on the application for acceptance of surrende

28. The Betterment Levy Officer may refuse to accept the surrender of land in the ollowing cases:--

(i) lands not irrigable or localised under the irrigation work

(ii) where the land offered for surrender is a fragment, or where its acceptance results in fragmentation of a holding and is prohibited under any law for the time being in force relating to consolidation or prevention of fragmentation of holdings and where no such law is in force, the land offered for surrender or the extent left over in a survey number after such surrender is less than the minimum notified for each district or portion of a district by Government.

(iii) In case where no objection is received under Rule 28 but where the Betterment Levy Officer has reason to believe that the land is not free from encumbrances.

It is hereby declared under Rule No. 7, for the information of all concerned that the proceedings for the levy of betterment contribution are being commenced by the Betterment Levy Officer/Revenue Sub Division Officer.... in respect of the work, a brief description and relevant particulars of which are given in the schedule.

Schedule

i) Name of the work.

ii) Nature of the work.

iii) Date of commencement of the work.

iv) Date of completion of the work.

v) Details of the lands benefitted by the work - Taluk and Village Survey numb

ame of the crop.	Average yield per acre.	Average price.	Gross income.	7½ times gross income.	Contribution.	Contribution of 5 times gr income.
		Rs.				
			PERENNIAL BLOCK.			
1. Sugar cane.	30 tons per acre.	43-30 per ton.	1299-00	9,742-50	4,871-25	3,247-50
2. Sugar cane & Paddy (double crop)	30 tons 25 pallas (per acre)	-do- 30/- per palla	649-50 ~~7,683-75~~ 375-00	~~3,841-87~~ 7,683-75	~~2,561-2~~ 3,841-87	2,561-25
3. Paddy (double crop).	25 pallas	30 per palla.	750-00	5,625-00	2,812-50	1,855-00
Note:-Plantains are not grown in this area.			WET BLOCK.			
1. Paddy.	15 pallas	30/= per palla.	450-00	3,375-00	1,687-50	1,125-00
			DRY-CUM-WET BLOCK.			
Cholam	5 pallas per acre.	33/- per palla.	165-00	825-00	--	412-50
Navne.	5 pallas per acre.	32 per palla.	160-00	800-00	-	400-00
Cotton.	700 lbs. per acre.	138-91 per 392 lbs.	248-05	1,440-25	-	720-12
Groundnut.	40 mds per acre.	6-82 per Md.	272-80	1,364-00	-	682-00

Note:-Onions and chillies are rarely grown in few villages.

No.PWD 127 GIG 61

To

The Betterment Levy Officer,
Belgaum
Bellary
Mysore,
Shimoga,
Munirabad.

Sir,

Sub: Mysore Irrigation(Levy of Betterme
Contribution)Rules 1961 Ammendments

- - - -

Two sets of Betterment Contribution Rules have been prepared so far after discussion wit the Betterment Levy Officers and the concerned officers and they are enclosed herewith One of the two Rules is based on market value and the other is based on gross produce.

I am now to request you to furnish Government with your remarks on each of these Rules. am also to request you to work out a few sampl cases so that the implication of the same are known and the approximate levy worked out is also known.

A copy of the Rules framed in 1957 is also enclosed herewith for ready reference.

Yours faithfully,

Deputy Secretary to Government,
Public Works Department (Irrn).

Very Urgent

D 1279/61

Dear Sir,

I am sending herewith two sets of amendments to the betterment levy rules for your Remarks and return. The intention is that Government desire to adopt the ~~amendments~~ one based on gross produce. In order that Government may take a decision as to ~~what~~ which particular set of amendements should be adopted, you may work out a few sample cases under the two rules. You may also give your views and suggestions in respect of both the amendments. The matter is very urgent and your reply should be sent within a fortnight.

Yours Sincerely,

D 1279/61

13.11.62

5 BL-DS by name.

5/11/62

[illegible], B.A., [illegible], (U.S.A.)
[illegible] TO GOVERNMENT,
[illegible] (IRRI).

Mysore Government Secretariat,
'Vidhana Soudha'

Bangalore, Dated: 13th November 61.

D.O.No.RD 127 GIG 61.

Dear Sir,

I am sending herewith two sets of amendments to the betterment levy rules for your Remarks and return. The intention is that Government desire to adopt the one based on gross produce. In order that Government may take a decision as to which particular set of amendments should be adopted, you may work out a few sample cases under the two rules. You may also give your views and suggestions in respect of both the amendments. The matter is very urgent and your reply should be sent within a **fortnight.**

Yours sincerely,

Betterment Levy Officer
Mysore
Shimoga
Bellary
Mysore
Belgaum

2

[illegible], I.A.S., I.C.S., (U.S.A.)
[illegible] TO GOVERNMENT,
[illegible] (RDD).

Mysore Government Secretariat
'Vidhana Soudha'

Bangalore, Dated 13th Novem

D.O.No.RDD 127 GID 61.

Dear Sir,

I am sending herewith two sets of amendments to the betterment levy rules for your remarks and return. The intention is that Government desire to adopt the one based on gross produce. In order that Government may take a decision as to which particular set of amendments should be adopted, you may work out a few sample cases under the two rules. You may also give your views and suggestions in respect of both the amendments. The matter is very urgent and your reply should be sent within a fortnight.

Draft amendments and additions to the Mysore Irrigation (Betterment Contribution) Rules, 1961.

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1. In rule No.2, definition (iii), (iv), (v) (vi) may be omitted.

The following may be substituted as Rule No.2(iii):-

"Increase in value" means the amount b which the value of the land on the completion date exceeds the value of land on the construction date."

Explanations (1) "Construction date" a "Completion date" mean, respectively t date of commencement of work and date completion of the same or any part or stage thereof as notified by the Deput Commissioner under Rule No.7."

Explanations (2) "The value of the lan means the average value of sale prices during the three years preceding the commencement of the work and three yea the date of completion, respectively."

The following may be added as Rule No.2(iv): "Tahsildar" includes the "Deputy Tahsildar." Rules 2(vii) and 2(viii) may be re-numbered as Rules 2(v) and (vi) respectively.

2. In Rule No.3(b) for the words "shall dete the Contribution" occurring after the words "Deputy Commissioner", substitute the follow "shall be the Betterment Levy Officer."

In Rule No.3(c) for the words "the authority determine the contribution" substitute the

words "the Betterment Levy Officer."

At the end of the proviso to Rule No.2, for the words "to determine the contribution" substitute the words " as Betterment Levy Officers."

3. Rule No.4 may be deleted.

(Note: This rule is considered superfluo since the crucial date is the dat of commencement of the work and n the date of actual sanction accord to it.)

4. For Rule No.5, the following new rule m substituted as Rule No.4:-

"4. Government shall issue a notification specifying in respect of everwork which has been completed the date of completion of such work, or in respect of any work which i in the process of construction from which t irrigation facility can be provided, the d from which such facility is provided."

5. The existing Rule No.6 may be re-number Rule No.5.

For the words "Draft notification containi in the existing Rule, substitute the words "a statement furnishing."

Sub-clause (e) in the existing Rule may deleted re-numbering sub-clause (f) as sub clause (e). After sub-clause (f), the following may be added, namely:-

"in the case of a work commenced or ted prior to the coming into force Act, the date of commencement or co tion of the work as the case may be also be furnished."

7. For the existing Rule No.8, the following may be substituted and re-numbered as Rule No.7:-

"The Deputy Commissioner shall publish by means of a notification in Form I the fact of commencement of the proceedings for the levy of betterment contribution by the Betterment Levy Officer in respect of the work concerned."

8. Existing Rules Nos. from 9 to 13 may be deleted. In the places of these Rules, the following Rules may be substituted and re-numbered as Rules No.8 and No.9:-

"8. The Betterment Levy Officer shall thereupon proceed to group or classify the lands for the purpose of determining their value with reference to the following factors, namely:-

(a) Nature of irrigation.
(b) Ranges of assessment.
(c) Crop pattern, wherever it is finalised.

All lands which come under the same range of assessment and which judged by the commandability are so situated as to derive the same amount of benefit from the work, shall be placed in the same class."

"9. The value of the land shall be determined by by taking into consideration the average price of lands of the kind in question in the village according to statistics of sales and estimate made

after local enquiry. Where no other criteria or value can be adopted, the value of the land may be fixed on the basis of sales of similar lands in the neighbouring or surrounding villages.

Provided that where normal sales of lands have been restricted by the operation of Tenancy Laws or Land Reform Measures, the sale price may be estimated after local enquiry, making due allowance for such special factors."

9. The following may be added as Rule No.10:-

"10. The increase in the value of land shall be the difference between the capital value of the land on the date of commencement of the work and the value of the date of completion. Fifty percent of the increase in the value of the land so determined shall be the betterment contribution to be levied."

10. The following shall be added as Rule No.11:-

"11. On the basis of the increase in the value determined in the above manner, the Betterment Levy Officer will propose tentative rates of betterment levy in respect of several villages benefitting, class of lands or blocks of land benefitted."

11. Existing Rule No.16 may be re-numbered as Rule No.12, substituting for the words "Form No.I" occurring in the third line, the words "Form No.II."

12. Rule No.17 may be re-numbered as Rule No.13

3. For the existing Rule No.18, substitute
ollowing as Rule No.14:-
The Betterment Levy Officer shall consider
he suggestions and objections received,
nd after giving an opportunity to the
arties concerned to be heard, finally
ecide the rates of Betterment contribution
eviable under the Act. He shall briefly
ecord in a formal order for each class of
ands or for each village benefitted by the
rrigation work, the suggestions and objec-
ions received by him and the basis on which
he rates of Betterment Contribution were
inally fixed by him. The order shall be
ade on a date and at a place to be specific
nd intimated to the parties concerned. The
ates fixed under this order shall be public
n Form III the Official Gazettes and in
he village/villages concerned in the manner
pecified in Rule No.1 . A copy of the
rder together with relevent particulars
hall be forwarded by the Betterment Levy
fficer to the Tahsildar concerned for modi
ication being taken by the latter under
ection 7 of the Act."

4. The following shall be added as Rule No.
"15. Betterment contribution fixed as abov
hall be payable in twenty annual instalment

5. Existing Rule No.19 may be re-numbered a
Rule No.16.

16. Existing Rule No.20 may be re-numbered as Rule No.17 and read as follows:-

"17. Such appeal shall be preferred within sixty days from the date of the order passed finally by the Betterment Levy Officer. For the purpose of computing the period of appeal, the provision of Section of the Limitation Act shall be applicable."

17. Rules No.21 and No.22 may be re-numbered as Rule No.18 and Rule No.19, respectively.

18. In the existing Rule No.23, the word "Form III" may be changed to "Form IV" and the following added thereafter, namely:-
"and also communicated to the Tahsildar concerned."
The Rule may be re-numbered as Rule No.20

19. Existing Rule No.24 may be re-numbered as Rule No.21 and the work "Form IV" occurring therein changed to "Form V."

20 Existing Rules No.25 to 30 (both inclusive) may be re-numbered as Rules No.22 to 27 respectively. In the existing Rule No.26(i), the words occurring in 4th line "one Month" may be changed to "thirty days."

21. In existing Rule No.26(iii), the words occurring in 4th line "increases capital value" may be changed to "increase in capital value."

22. In existing Rule No.28, the words "thirty days" may be changed to "sixty days."

23. In existing Rule No.[illegible] the word "Rule No.28" may be read as "Rule No.25" and for the words "Deputy Commissioner" may be substituted the words "Betterment Levy Officer."

24. In the Appendicis existing Forms I to IV be re-numbered as Forms II to V, with changes as noted against each below:-

Existing Form No.I:

Instead of "See Rule 16" insert "See Rule 12.

Existing Form No.III:

Instead of "See Rule 18" substitute "See Rule

Existing Form No.III:

Instead of "See Rule 23" insert "See Rule 20.

Existing Form No.IV:

Instead of "See Rule 26" substitute "See Rule

At the foot of existing Form No.IV (to be re-numbered as Form No.V) the words "Betterment Levy Officer" may be changed to "Tahsildar."

25. The Schedules on page No.12 be deleted.

26. The following will be included in the Ap[illegible] as Form I:-

"(See Rule 7)

Where the work specified in the schedule irrigation facilities has been p[illegible] been completed,

for the work specified in the schedule, as already notified by the Government under Rule No.4 of the Mysore Irrigation (Levy of Betterment Contribution) Rules 1931, it is hereby declared under Rule No.7 of the said Rules that the proceedings for the levy of betterment contribution will be commenced by the Better

Levy Officer, ... /Revenue Sub-Division Officer, ... A brief description of the work to which the proceedings relate is given in the Schedule:-

Schedule:-

(1) Name of the work,

(2) Nature of the work.

(3) Date of commencement of the

(4) Date of completion of the work

(5) Details of the lands benefitted by the work - Taluka and Vi
Survey number

9441
27 NOV
P.W.D. (GENERAL IRRIGATION)

A.M.QAISER, B.A.,
Betterment Levy Officer

MYSORE-5
24th November 1962

D.O.No.Al.PR- 65 /62-63.

Encls: 2 sets.

Dear Sir,

Sub: Mysore Irrigation (Levy of Betterment Contribution) Rules - Revision - Suggestions and Views = Submitted -

Ref: Your D.O.Letter No.PWD 127 GTG 61 Dated the 13th November 1962 -

* * * *

As required in your D.O.Letter cited on the subject, I have enclosed herewith in duplicate for information of Government, my suggestions on each of the two sets of Rules. Samples cases under both set of Rules have been worked out and enclosed herewith for kind reference.

Yours sincerely,

Shri.K.B.Murarappa, B.E., M.C.E(USA).,
Deputy Secretary to Government,
Public Works Department(Irrigation),
Government of Mysore 'Vidhana Soudha',
B A N G A L O R E - 1.

MYSORE DISTRICT

Views & suggestions on the amendements and additions propos to the Betterment Levy Rules - 1961, at the meeting held in June, 1962.

In the original Rules the basis or formula prescribed for arriving at the increase in the value of land is the gross produce on the land. In the amendments proposed at t meeting of June, 62 the formula prescribed is altogether - different; it is based on the sales statistics of the lands prevailing during particular years. Even though this is a simple process of calculation, it is a point for considerat if the sale prices of land as can be ascertained from the S Registrar Offices are correct market values prevailing at - particular periods as it is presumed that in most of the ca the properties will have been under valued by the persons w a view to derive benefit of reduction of the stamp value of Document and Registration fees etc.

Secondly as can be seen from the samples worked out (i the enclosed statement) on the basis of the sale prices of lands, the betterment contribution can be levied between Rs. to Rs.500/- per acre, excepting in one case which has worked to Rs.700/- per acre. In this case the average could not be arrived at correctly as there were not many sale transactio of lands in this village during the required period.

This formula of finding out the increase in the value lands was decided at the meeting of Betterment Levy Officer to be adopted to calculate the Betterment contribution, aft examining the aspect that gross produce arrived at on the basis the standard and average yields of crops furnished by the Statistical Department, may not be correct, as these averag yields are only District averages and that they cannot be -

MYSORE DISTRICT

Examples worked out in accordance with the Rules for which amendment were proposed at the meeting of the Betterment Levy Officers in June, 1962.

Name of Work: Nugu Reservoir Project (High Level Channel)

Date of commencement of the work: 1946-4

Date of completion of the work: 1956-57.

Three years proceeding the date of commencement of the work: 1943-44; 1944-45; 1945-46 --

Three years following the date of completion: 1957-58; 1958-59; 1959-60

. Uganya (Nanjangud Taluk): Average prices of lands during the ars (43-44; 44-45; 45-46) (as per the sale prices of lands). -

	Rs.
Average of prices of lands during 57-58, 58-59; 59-60 (as per the sale prices of lands)	Rs. 180/- per acre Rs. 1,000/-
Difference: (increase in value of land)	Rs. 820/-
50% of the increase in value is the Betterment Contribution	Rs. 410/-

II. Heggadanally (Nanjangud Taluk):

Average prices of land during the years (43-44; 44-45; 45-46)	Rs. 150/-
Average prices of land during the years (57-58; 58-59; 59-60)	Rs. 1100/-
Increase in value	Rs. 950/- per acre
50% of the increase in value	Rs. 475/- is the betterment contribution.

III. Hullahalli (Nanjangud Taluk):

1. Average prices during the years (43-44; 44-45; 45-60)	150/-
2. Average prices during the years (57-58, 58-59, 59-60)	950/-
3. Increase in value	800/-
4. 50% of the increase in value	400/- is the betterment contribution

IV. Mullur (H.D.Kote Taluk):

	per acre Rs.
1. Average of prices during the years 43-44; 44-45; 45-46	60/-
2. Average prices during the years 57-58; 58-59; 59-60	900/-
3. Increase in value of land	840/-
4. Betterment contribution, i.e., 50%	420/-

V. Chamalapura (H.D.Kote Taluk):

1. Average of prices during the years 43-44, 44-45, 45-46	50/-
2. Average of the prices during the years 57-58; 58-59; 59-60	1150/-

when compared to the rates of interest charged on Loans and Advances issued by Government. But it is for Government to decide.

13. The schedules on page 12 of the printed rules may be omitted.

14. The forms No I, II, III & IV appended to the Rules may be renumbered as Form No II, III, IV & V respectively and the new form drafted under the revised rules (Under Rule No 7) may be named as form No I.

(A.M. Qaiser)
Betterment Levy Officer
M Y S O R E.
24.11.62

Terms and Phrases defined in the Rules:

1) Commencement of the Act
2) Name of work completed in Mysore Distri
3) Year of its commencement
4) Year of its completion
5) Year from which water was allowed to th work was commenced and completed before of the Act)
6) Average of the price of Crop prevailing during t years immediately preceeding the commencement of (The average should not exceed three times the pr crop prevailing in 1952-53).
7) Normal year immediately preceeding the year in wh water was let in (as per the standard yields fur by the Statistical Department)
8) Normal year immediately after the completion of t (as per the Standard yields furnished by the Stat Department)
9) Value of increase in the Annual Gross Produce:- D between value of Crops produced per acre in the t years i.e., under Rule-11(2)
10) Ten Times the annual increase in Gross produce ar the increase in the Capital value of the land.
11) Deduct 25% of the Value of the gross produce arri as per Col.No.9 only in respect of lands which we before and are converted into wet.
12) Betterment contribution is 50% of the difference the increase of capital value and cost of making fit for irrigation such as leveling, bunding, etc

per Betterment Levy Rules, 1962.
vised)
District

ember 1960
gh Level Channel

ly

		For Ragi			
Rs.37=50 P.P.		1959-60	Rs.44=50 P.P.		
Rs.29=00 P.P.	Average Rs.34=00	1958-59	Rs.40=00 P.P.		Aver
Rs.36=50 P.P.		1957-58	Rs.34=00 P.P.		

118.50 / 3 = 39.50.

Pallas: Cost of Ragi for 4 Pallas - 39=50 x 4 = Rs.158=00

3 Pallas per acre : Cost of paddy for 13 pallas @ Rs 34=00 = Rs.442=0

paddy grown in an acre ...	Rs.442=00		
st of ragi or other dry		Differenco	Rs.284=00
rown in an acre ...	Rs.158=00		

ase of dry lands converted into Wet:-

ease in value of gross produce, ...	Rs.284=00	Net amount	
ct 25% of the value of the gross produce...	71=00		

213

x 10 times = Rs.2,130/- is the increase in capital value of lan
,230=00 being the approximate cost of leveling, bunding, etc.,
mate as per figures furnished by the P.W.D. @ 0=60 nP per C.Yd.)
1,900=00
this sum = Rs.950=00 is the Betterment contribution per acre

the case of lands which were already wet under Tank or some oth
supply, now assured with supply from the Project:-
Value of gross produce per acre in normal year viz., 53-54 (Be
water wasa allowed in the Channel)
Paddy - 12 Pallas per acre x Rs.34 (Average Price) = Rs.408=00

Value of gross produce per acre in normal year viz., 58-59 (a
was allowed) Paddy - 13 Pallas per acre X 34=00 = Rs.442=00

Difference (value of annual increase as Gross produce = Rs.34=

~~x10 Times of this sum viz., Rs.170/- is the Betterment Contribution~~
10 Times the difference is 34 x 10 = 340/-
50% of this sum Viz., Rs.170/- is the Betterment Contribution.

*** ***

(A.M.QAISER)
BETTERMENT LEVY OFFICER
MYSORE DISTRICT, MYSORE

MYSORE DISTRICT

iews & suggestions on the amendements and additions proposal to the Betterment Levy Rules - 1961, at the meeting held in June, 1962.

In the original Rules the basis or formula prescribed or arriving at the increase in the value of land is the ross produce on the land. In the amendments proposed at the eeting of June, 62 the formula prescribed is altogether - ifferent; it is based on the sales statistics of the lands revailing during particular years. Even though this is a imple process of calculation, it is a point for consideration f the sale prices of land as can be ascertained from the Sub-egistrar Offices are correct market values prevailing at - articular periods as it is presumed that in most of the cases he properties will have been under valued by the persons with view to derive benefit of reduction of the stamp value of the ocument and Registration fees etc.

Secondly as can be seen from the samples worked out (in he enclosed statement) on the basis of the sale prices of the ands, the betterment contribution can be levied between Rs.400/- o Rs.500/- per acre, excepting in one case which has worked out o Rs.700/- per acre. In this case the average could not be rrived at correctly as there were not many sale transactions f lands in this village during the required period.

This formula of finding out the increase in the value of ands was decided at the meeting of Betterment Levy Officers o be adopted to calculate the Betterment contribution, after xamining the aspect that gross produce arrived at on the basis of he standard and average yields of crops furnished by the tatistical Department, may not be correct, as these average ields are only District averages and that they cannot be - pplied to a particular area or Taluk.

(A.M. Qaiser)
Betterment Levy Office
MYSORE.

Examples worked out in accordance with the rules for which amendment were proposed at the meeting of the Betterment Levy Officers in June, 1962.

Name of work: Hugu Reservoir Project (High Level Channe

Date of commencement of the work: 1946-47

Date of completion of the work: 1956-57.

3. Three years preceding the date of commencement of the work: 1943-44; 1944-45; 1945-46 --

4. Three years following the date of completion: 1957-58; 1958-59; 1959-60

I. Hanaya (Hadiannad Taluk): Average prices of lands during th years (43-44; 44-45; 45-46) (as per the sale prices of lands).

		Rs.
Average of prices of lands during 57-58, 58-59; 59-60 (as per the sale prices of lands)		Rs. 120/- per acr
		Rs. 1,000/-
Difference: (increase in value of land)		Rs. 820/-
50% of the increase in value is the Betterment Contribution		Rs. 410/

II. Heregadanally (Hadiannad Taluk):

Average prices of land during the years (43-44; 44-45; 45-46)	Rs. 150/
Average prices of land during the years (57-58; 58-59; 59-60)	Rs. 1100/
Increase in value Rs.	Rs 950/
50% of the increase in value	Rs. 475/ bottorne bu

III. Hullahalli (Hadiannad Taluk):

1. Average prices during the years (43-44; 44-45; 45-46)	150/
2. Average prices during the years (57-58, 58-59, 59-60)	950/
3. Increase in value	800/
4. 50% of the increase in value	400/ bottorment co

IV. Hullur (H.D.Kote Taluk):

	per Rs.
1. Average of prices during the years 43-44; 44-45; 45-46	60/
2. Average prices during the years 57-58; 58-59; 59-60	900/
3. Increase in value of land	840/
4. Betterment contribution, i.e., 50%	420/

V. Chandlapura (H.D.Kote Taluk):

1. Average of prices during the years 43-44, 44-45, 45-46	60/
2. Average of the prices during the ye-- 57-58; 58-59; 59-60	

Views and suggestions- Betterment Levy Rules 1962

1. Rule No 2: The following terms and phrases have not b defined in the Rules. They may be defined and brought un Rule No 2.

a) Normal Year
b) Increase in value.

2. Rule No 9(1): This sub rule with its explanation has bearing on the other rules ~~prescrit~~ prescribing the meth formula for levying the Betterment contribution. These r prescribe a formula on the basis of the average yield of or crops during particular years and their average price rule 9(1) has only a bearing on the other set of Rules w prescribes a formula on the basis of the sales statistic lands available in the Sub Registry Offices. Hence this with its explanation has to be deleted.

3. Rule No 11(ii): In this sub-rule, the words "after th commencement of the work" convey no meaning. The word "C should be "Completion" as otherwise the entire calculati the contribution will be wrong.

4. Rule No 11(3): It has been laid in this rule that the of crops per acre will be worked out on the basis of the cutting experiments, and where such out-turn for the ~~yea~~ the year in which water was let in is not available, the shall be made after local enquiry and with reference to Records. In this District (Mysore) crop cutting experinc particular areas are not available and the Statistical D who have conducted the experiments at randum, have furni out-turn ~~i.e.~~ i.e., yields of major crops for the District. It district average. As regards the Revenue Records, i.e., P Registers, the particular column indicating the yield of is generally left blank and no information is available registers. In the absence of these statistics in the Rev Records, it is necessary that the standard yields of cro

MYSORE DISTRICT

Views and suggestions- Betterment Levy Rules 1962 (Revised)

1. Rule No 2: The following terms and phrases have not been defined in the Rules. They may be defined and brought under Rule No 2.

a) Norm
b) Increase in value.

2. Rule No 9(1): This sub rule with its explanation has no earing on the other rules ~~prescribi~~ prescribing the method or ormula for levying the Betterment contribution. These rules rescribe a formula on the basis of the average yield of crop r crops during particular years and their average prices. This ule 9(1) has only a bearing on the other set of Rules which rescribes a formula on the basis of the sales statistics of ands available in the Sub Registry Offices. Hence this rule ith its explanation has to be deleted

3. Rule No 11(ii): In this sub-rule, the words "after the ommencement of the work" convey no meaning. The word "Commencem hould be "Completion" as otherwise the entire calculation levyi he contribution will be wrong.

4. Rule No 11(3): It has been laid in this rule that the out-tur f crops per acre will be worked out on the basis of the crop utting experiments, and where such out-turn for the year precee he year in which water was let in is not available, the estimat hall be made after local enquiry and with reference to Revenue ecords. In this District (Mysore) crop cutting experiments for articular areas are not available and the Statistical Departmen ho have conducted the experiments at randum, have furnished ut-turn ie., ~~i.e.~~ yields of major crops for the District. It is istrict average. As regards the Revenue Records, ie., Pahni egisters, the particular column indicating the yield of cro s generally left blank and no information is available in t egisters. In the absence of these statistics in the Revenue ecords, it is necessary that the standard yields of crops

pto

crops furnished by the Statistical Department will have to be adopted; and hence the sub rule has to be amended suitably.

5. Rule No 16 - Para II: The procedure laid down in th para is premature at this stage as this has to be foll only after the time fixed for preferring an appeal aga the order passed by the Betterment Levy Officer as lai down in para I, has expired, as provided in the origin rules. The order of the Betterment Levy Officer is sub to appeal before the Divisional Commissioner as laid d in Rule No 18 and it is only after the appeal time has expired, or if an appeal is preferred before the Divis Commissioner within time, and if any modifications are ordered in the appeal, that action can be taken as lai down in para II for informing the Tahsildar for recove of the Levy made. Hence this para may be omitted here. A separate rule has been provided for action to be ta to inform the Tahsildar in Rule No 21.

6. Rule No 17: This rule which indicates the mode of p of the levy may be brought in after existing rule No 2 renumbered as No 21.

7. Rule No 18 may be renumbered as Rule No 17.

8. In rule No 18 the word "Officer" occuring in line 5 be omitted as it does not convey any meaning.

9. Rule No 19 may be renumbered as 18.

10. Rule No 20 may be renumbered as 19.

11. Rule No 21: Add the following after the words "the Tahsildar concerned" and renumber it as No 20 "for nee action being taken by the latter under Section 7 of th

12. Rule No 23: The rate of interest to be charged on arrears of contribution is laid down 6¼ P.A. In the original rules it was only 5¼. 6¼ seems to be more, wh

GOVERNMENT OF MYSORE

Office of t
terment Levy Officer,
Munirabad.

No.34/BTL/62-63/432 D 30-10-62.

MYSORE GOVT. SECRETARIAT No. 9032 4 NOV 1962 P.W.D. (GENERAL IRRIGATION)

MYSORE 9690 6 NOV 1962 PUBLIC WORKS (MAJOR IRRIGATION)

To

The Secretary
to Government of Mysor
Public Works (Irrigation) Department,
Vidhana Soudha,
BANGALORE.

GOVERNMENT SECRETARIAT TAPPAL SECTION 1 NOV 1962 SECT. PUBLIC WORKS DEPARTMENT

Sub: Finalisation of Betterment Levy Rules.

Sir,

I enclose an extract of the remakrs of the Deputy Commissioner, Raichur on Tour Diary for the month of August '62. I request you to kindly expedite the finalisation of the Betterment Levy Rules, so that the work could be started.

Yours faithfully,

Encl:- one.

Betterment Levy Officer,
Munirabad.
30x62.

Vrm/30X62.

Copy submitted to the Deputy Commissioner, Raichur for information.

This may be transferred

Extract of the review on the tour diary of Shri S.N. Torvi, Betterment Levy Officer, Munirabad for the month of August '62.

The Officer has neither visited roadside nor interior villages during the month under review.	He may continuously remind Government to get the rules relating to Betterment Levy contribution finalised soon.

Sri.M.RAGHAVENDRA RAO,B.Com.,
Head Quarters Assistant and
I/C Betterment Levy Officer,
Tunga & Bhadra Projects,

D.O.No.BL.PR.108/62-63.
Encl: Booklet.

Dear Sir,

I am herewith redirecting the sets of amendments proposed to the Betterment Levy Rules, received from the Deputy Secretary to Government P.W.D.(Irrigation) addressed to you in D.O.No.PWD.127 GIG 61, dated 13.11.1962 for needful as desired in the Deputy Secretary's letter under reference (the original enclosed)

The receipt of the same may kindly be acknowledged.

Yours sincerely,
Sd/-

Sri.K.Seetharam Setty B.Sc.,(Hons.)
52 (J 63) IInd Cross Road,
Sripuram Extension, Seshadripuram,
BANGALORE-20.

kcp.

Copy of the above is forwarded to the Deputy Secretary to Government P.W.D.(Irrigation) Bangalore for favour of information. Sri.K.Seetharam Setty is transferred and is working as Special Land Acquisition Officer for Acquisition of Lands for the alignment of New Metregange railway line between Bangalore and Salem-District, Office premises,Bangalore.

I/C Betterment Levy Officer,
Tunga & Bhadra Projects,
SHIMOGA

MYSORE P.W.D. (IRRIGATION) 9304 22 NOV 1962

MYSORE GOVT. SECRETARIAT No. 6502 17 NOV 1962 PUBLIC WORKS (MAJOR IRRIGATION)

16/11

16/11/62

Submitted

This is w.r.t letter issued in file No PWD 127 GIGG from G.S. Section. Hence submitted to G.S.

HDR
20/11

20/11/62

Sri Sw 21/11/62 (Ramu) BL

MYSORE GOVT. SECRETARIAT
No. 9409
26 NOV 1962
P.W.D. (GENERAL IRRIGATION)

Dear Sir,

I am in receipt of your D.O.No.PWD [illegible] 61 dated 13-11-1962. Since I had gon on earned leave of 10 days and I have resumed duty to-day only, I shall try to submit the worked out samples along with my views to the Government as early as possible.

Yours Sincerely

23/11

Sri.K.P.Nurarappa, B.E., M.S.E(U.S.A)., Deputy Secretary to Government, Public Works Department(Irrigation), Vidhana Soudha, BANGALORE.

24/11

Sh Sd 24/11

GOVERNMENT OF MYSORE

Office of the
Betterment Levy Officer,
Munirabad.

No.34/BTL/62-63/653 Dt. 14-11-62.

MYSORE GOVT. SECRETARIAT
No. 9415
26 NOV 1962
P.W.D. (GENERAL IRRIGATION)

To

The Secretary to Government of Mysore,
Public Works (Irrigation) Department,
Vidhana Soudha, BANGALORE.

Sub: Finalisation of Betterment Levy Rules.

Ref: This office letter No.34/BTL/62-63/432 dated 30-10-62.

GOVERNMENT SECRETARIAT
17 NOV 1962

Sir,

I request your attention to the above cited referen and also the favour of an early reply there to.

MYSORE GOVT. SECRETARIAT
10158

Yours faithfully,

Betterment Levy Officer
Munirabad.

Vrm/14XI62.

Copy submitted to the Deputy Commissioner, for information.

17/11/62

This is for G.C.
24/11/62

S.N. TORVI, B.A.,
BETTERMENT LEVY OFFICER.

MYSORE GOVT. SECRETARIAT
No. 8482
24 OCT 1962
P.W.D. (GENERAL IRRIGATION)

D.O. No. 38/BOR/61-62/411

Sub: Recovery of Electrical Charges from Establishment of Betterment Levy Office, Munirabad.

Dear Sir,

During my stay at Bangalore last month in connection with the finalisation of Betterment Levy rules, when I reminded you on the above subject, you were pleased to expedite Shri. Bhandiwad, who was in charge of the above papers. I was also informed that final orders would be communicated to me soon. A month has since elapsed, and the Government Orders in the matter are still awaited. I request you, once again, to kindly inform this office of the Government sanction early.

I may also be informed, how the matter regarding finalisation of Betterment Levy rules, has progressed.

A line in reply will be very much appreciated.

Yours Sincerely
(S.N. Torvi).

Shri K.B. Murarappa, B.E., MCE (USA),
Deputy Secretary to Government,
Public Works (Irrigation) Department,
Vidhana Soudha, BANGALORE.

MYSORE GOVT. SECRETARIAT
No. 9603
PUBLIC WORKS (IRRIGATION)

M.I. has a file
M.I. 14/29-10-62

Submitted.
Re. 'A' above orders have been issued
Re 'B' CE seeks may take very decision
13/11/62
14/11/62

when compared to the rates of interest charged on lo
and Advances issued by Government. But ~~is~~ it is for Gove
to decide.

13. The schedules on page 12 of the printed rules ma
be omitted.

14. The forms No I, II, III & IV appended to the Nul
may be renumbered as Form No II, III, IV & V respect
and the new form drafted under the revised rules &
(Under Rule No 7) may be named as form No I.

Terms and Phrases defined in the Rules:

1) Commencement of the *Act
2) Name of work completed in Mysore District
3) Year of its commencement
4) Year of its completion
5) Year from which water was allowed to the lands (This work was commenced and completed before the commencemen of the Act)
6) Average of the price of Crop prevailing during the thr years immediately preceeding the commencement of the Ac (The average should not exceed three times the price of crop prevailing in 1952-53).
7) Normal year immediately preceeding the year in which water was let in (as per the standard yields furnished by the Statistical Department)
8) Normal year immediately after the completion of the wor (as per the Standard yields furnished by the Statistica Department)
9) Value of increase in the Annual Gross Produce:- Differe between value of Crops produced per acre in the two nor years i.e., under Rule-11(2)

Ten Times the annual increase in Gross produce arrived the increase in the Capital value of the land.

11) Deduct 25% of the Value of the gross produce arrived at as per Col.No.9 only in respect of lands which were dry before and are converted into wet.
12) Betterment contribution is 50% of the difference betwee the increase of capital value and cost of making lands fit for irrigation such as leveling, bunding, etc.

r Betterment Levy Rules, /9
ed)
strict

ber 1960
Level Channel

For Ragi

Rs.37=50 P.P.
Rs.29=00 P.P. } Average Rs.34=00
Rs.36=50 P.P.

1959-60 Rs.44=50 P.P.
1958-59 Rs.40=00 P.P. } Average Rs.39=50
1957-58 Rs.34=00 P.P.

as: Cost of Ragi for 4 Pallas - 39=50 x 4 = Rs.158=00

llas per acre : Cost of paddy for 13 pallas @ Rs 34=00 = Rs.442=00

dy grown in an acre ... Rs.442=00
f ragi or other dry
in an acre ... Rs.158=00 } Difference Rs.284=00

of dry lands converted into Wet:-
in value of gross produce ... ... Rs.284=00
of the value of the gross produce... 71=00 } Net amount Rs 213=00

APPENDIX.

FORM III

(*See* Rule ~~28~~ 16

Notice intimating the rates of Betterment Contribution as finally determine under the Mysore Irrigation (Levy of Betterment Contribution and Water Rat Act, 1957.

Intimation is hereby given that the rates of betterment contribution specifie below have been finally determined under Section 4 of the Act.

Name of work	Village or villages in which the lands are situated.	Class of Lands	Survey Number or other particulars of the lands.	Extent of Lands	Rate of Betterment Contribution payable.
1	2	3	4	5	6

APPENDIX

FORM ~~III.~~ IV

See Rule 23, 2.

Notice intimating the rates of betterment contribution if modified under rule of the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1957.

Intimation is hereby given that the rates of betterment contribution determined by the Betterment Levy Officer under Section 4 of the Mysore Irrigation (Levy Betterment Contribution and Water Rates) Act, 1957, and published at pages..... of the *Mysore Gazette*, dated.....have been modified by Deputy Commissioner Divisional Commissioner as specified below :—

Name of work	Villages in which the lands are situated.	Class of lands	Survey number or other particulars of the lands.	Extent of lands	Rates of betterment contribution fixed by the Betterment Levy Officer.	Rates of betterment contribution as modified.	Remarks
1	2	3	4	5	6	7	8

Place.....

Betterment Levy Officer.

Dated.....

Published on..... .....

Certified that the notice was published on the date specified above in the village chavadi or.....of.....village and announced in the village *tom-tom*.

Village headman.

Karnam

Two witnesses : (1) .....

(2) .....

Notice of demand for Betterment Contribution under the Mysore Irrig
(Levy of Betterment Contribution and Water Rate) Act, 1957.

To

Shri

Patta No.

Village.

Take notice that in respect of your land/lands, particulars of which are
below, a Betterment Contribution as specified therein has been determined anc
you should pay the amount due in 20 annual instalments commencing from
The instalment shall be payable on the first of each year. You hav
option to pay the entire amount in two years from the date of service of this r
n which case you will be allowed a rebate of ten per cent.

Name of Work	Survey Number or other particulars of the land	Extent	Class fixed for Betterment-contribution.	Amount of Betterment - contribution fixed.	Amount of Contribution, if any previously paid to Govt.	Balance of Betterment contribution payable.	Amount of annual instalment.
1	2	3	4	5	6	7	8

SCHEDULES

SCHEDULE I

(i) Sugar Cane.
(ii) Paddy.
(iii) Plantain.

SCHEDULE

(i) Jawar
(ii) Ragi
(iii) Potato.
(iv) Onion.
(v) Chillies.
(vi) Ground-nut
(vii) Cotton.
(viii) Any other crop, not being a manurial crop.

Deleted

By Order and in the name of the Governor of Mys

R. SRINIVASAN,
Secretary to Government,
Public Works Departmen

1909

52-4

K.B.MURARAPPA, B.E., M.C.E.(USA),
DEPUTY SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT(IRRN.).

MYSORE GOVERNMENT SECRETARIAT
"VIDHANA SOUDHA"
DATED,BANGALORE,THE 3-12-1962.

D.O.No.PWD 127 GGG61.

Dear Sir,

Subject:- Hydrae Irrigation (Levy of Betterment Contribution) Rules - Revision - Suggestions and Views -

I am desired to invite reference to Government letter of even number dated 13-11-62 and ~~subsequent reminders~~ ~~noted in the margin~~ on the subject cited and to request you to pay personal attention to the matter and furnish the report called for therein immediately.

Yours sincerely,

1) Sri S. N. Torvi. B.A. (DSPWD)
B.L.O Munirabad.

2) Sri M.S Kulkarni (SSW)
B.L.O Belgaum.

3. Sri ABID Hussain B.A.
B.L.O Bellary.

rao/

4) Sri. K. Seetharam Setty B.Sc
B.L.O Shimoga.

K.B.Murarappa,B.E.,MCE(USA).,
Deputy Secretary to Government,
Public Works Department(Irrigation).

Mysore Govt. Secretariat
' Vidhana Soudha '
Bangalore, Dt: 3 -12-62

D.O.No.PWD 127 GIG 61.

Dear Shri,

Sub:-Mysore Irrigation (Levy of Betterment Contribution) Rules - Revision - Suggestions and Views -

I am desired to invite reference to Gover... letter of even number dated 13-11-1962 on the subj... cited and to request you to pay personal attention the matter and furnish the report called for thero... immediately.

Yours sincerely,

(K.B.Murarappa)

M.S. Kulkarni, B.A.(Hons) LL.B.
Betterment Levy Officer.

Office of the
Betterment Levy Officer,
Belgaum. 29-11-1962.

No.BL

Dear Sir,

MYSORE GOVT. SECRETARIAT
No. 9638
3 DEC 1962
(GENERAL IRRIGATION)

Reference :- Your D.O. No.PWD.127
GIG 61/ 13-11-62.

I have worked out three samples under each set of the Rules received along with your above D.O. letter. I will submit the sample cases with my views and suggestions, in a couple of days. The calculations took a lot of time and much approximate figures had to be used as the actuals were not avaialble.

Since 26-10-62 I am holding charge of the District Development Assistant to the Deputy Commissioner and hence I could not work out more samples.

Yours faithfully

M.S. Kulkarni

(M.S. Kulkarni)

Shri. K.R. Murarappa, B.E.M.C.E.(USA)
Deputy Secretary to Government,
P.W.D. (Irrigation Dn.), BANGALORE.

MD. ABID HUSSAIN, B.A.,
Betterment Levy Officer,
Tungabhadra Project,

Bellary,
26th November 1962.

MYSORE GOVT. SECRETARIAT
No. 9558
30 NOV 1962
P.W.D. GENERAL IRRIGATION

D.O. on Rc.16/61-B1.

Dear Sir,

Sub:-Draft Betterment Levy Rules 1962
(Revised Draft).

A close study of the Draft Rules reveals that sub rule(1)(ii) of Rule 11, which reads as "the out-turn per acre of each of the crops that enter into the crop pattern prescribed for the area in a normal year immediately after the commencement of the work" obviously makes an incorrect reading and to a certain extent leads to confusion. Since the principle adopted in these Rules is to find out the difference in the gross produce and its value for the two years, one being perior to letting in water for irrigation and the other after the land received the benefits, of water supply, and to work out the increase in the land value based on it, the work "commencement" is to be substituted with the work "completion". Otherwise there can be no substantial difference in the gross produce between the normal year immediately preceeding the year in, which water was let in for irrigation and in a normal year immediately after the commencement of the work, as stated in Rules 11 sub Rule (i) and(ii).

I, therefore, request that in case the above presumption is correct, a correction slip may kindly be issued and comunicated to all the Betterment Levy Officers immediately.

Yours faithfully,

27/11.62

27/11

Sri.K.B.Murarappa,B.E.,M.C.E(U.S.A).,
Deputy Secretary to Government
Public Works Department(Irrigation),
BANGALORE.

Copy submitted to the Deputy Commissioner,Bellary for favour of information

MD.ABID HUSSAIN, B.A.,
Betterment Levy Officer,
Tungabhadra Project

D.O.On Rc.16/61-B1.

MYSORE GOVT
No. 9810
P.W.D. (GENERAL IRRIGATION)

Dear Sir,

Sub:-Mysore Irrigation(Levy of Betterment Rules) Revision Suggestion and views.

I am in receipt of your D.O.letter No.P 127 GIG 61 dated 3-12-1962. As intimated earlier I have resumed duty only on 23-11-196 and devoting my personal attention in working out the samples. In this connection I would like to draw your attention to my D.O.letter No.Rc.16/61-B1 dated 27-11-1962 through which certain clarification was sought. This clarification is quite necessary before the working of samples under the draft rules is taken up. I request that the same may kindly be communicated early.

copy of the letter no. RC.5/16/61 BX. dated 26.11-62 of the Betterment Levy Officer Bellary addressed to the Deputy Secretary to Government public works department (Irrigation) Bangalore.

Dear Sir,

Sub: Draft Betterment Levy Rules 196. (Revised draft)

A close study of the draft Rules reveals that sub rule (1) (ii) of the Rule 11 which reads as "the outturn per acre of each of the crops that enter into the crop pattern prescribed for the area in a normal year immediately after the commencement of the work" obviously makes an incorrect reading and to certain extent leads to confusion. Since the principle adopted in these Rules is to find out the difference in the gross

the two years we, being fr
to letting in water for
irrigation and the other
after the land received
benefits of water supply
to work out the increa
in the land value brought
with the word "commencem
is to be substituted with
the word "completion". The
there can be no substantia
difference in the gross pr
between the normal yea
immediately preceding
in which water
is in for irrigation and
a normal year immediate
after the commencement of
work, as stated in Rule
Sub Rule (i) and (ii)

I therefore request that in c
the above presumption is cor
a correction slip may kindly
issued and communicated
all the Betterment Levy off
immediately

No. 9902
12 DEC 1962
P.W.D. (GENERAL IRRIGATION)

59

Sri.M.RAGHAVENDRA RAO,
H.Q.A. to the Dy. Commr.
and I/C Betterment Levy Officer,
Tunga & Bhadra Projects,

SHIMOGA,
5th December, 1962.

MYSORE GOVT. TAPPAL
10 DEC 1962
PUBLIC WORKS DEPARTMENT

D.O.No.BL.PR.108/62-63.
Encl: one.

Dear Sri.Seetharam Setty,

SUB:- Mysore Irrigation (Levy of Betterment Contribution) Rules- Revision-suggestions and views:

Ref:- 1.D.O.Letter No.PWD.127-GIG 61,dated 13.11.1962 from the Deputy Secretary to Government Public Works.Department Bangalore and reminder thereon dated 3.12.1962.
2.This office No.BL.PR.108/62-63,dated 14.11.1962.

I invite your kind reference to this office D.O.letter of even number dated 14.11.62, forwarding the draft proposed Rules received from the Deputy Secretary to Government Public Works Department,Bangalore for favour of information and necessary action as contemplated in the D.O.letter of the Deputy Secretary, to Government Public Works Department which has also been enclosed in original with the draft rules.

The Deputy Secretary to Government ~~to Comm~~ Public Works Department has now issued a D.O.reminder (of course addressed your name) which has been now enclosed herein for favour of information and further necessary action in the light of the above letter under reference.

Y.....,

Sri.K.Seetharam Setty,B.Sc.,(Hons)
No.52(J.63)II Cross Road,
Sripuram Extension,
Seshadripuram, BANGALORE-20.

kcp.

Copy of the above is forwarded to the Deputy Secretary to Government P.W.D.(Irrigation) Bangalore, for favour of information, in continuation of this office letter of even number dated 14.11.1962, copied to him for favour of information. Sri.K.Seetharam Setty is now transferred and

p.t.o.

working as Special Land Acquisition officer for Acquisition of Lands for the alignment of New Metregauge Railway line between Bangalore and Salem, Bangalore and he may kindly be addressed for further references in this behalf to avoid delay

Asst. Commr. for Betterment Levy,
Tunga & Bhadra Projects, Shimoga.

- File No PWD 127 GDR 61 has been submitted to O.S. This PRS may also be placed below on that file

Sub:-Assessment of Betterment Levy Contribution.

Ref:-Your D.O.No.PWD 127 dated 13-11-1962. 7/20/c

I enclose herewith the calculation sheets of Betterment Levy for the village of (1) Alagwadi (2)Badbyl in Raibag Taluka and (3) Dandapur of Gokak Taluka. The common difficulties experienced by me in making the calculation have been stated in detail in the accompanying note. They have led me to conclude that the first set of Rules ~~regarding~~ basing Betterment Levy Contribution on the gross produce would be not a safe guide in assessing the actual amount of increase in the value of the lands. So an easier course but to some extent reliable, would be to adopt the second set of Rules to determine the quantum of Betterment. Even here, the registration extracts received from the Sub-Registrars would not take us a long way. On comparing the sale prices of lands in the above villages and also in several other villages in the course of my tour, I find that prices obtaining on the construction date in the locality, are higher than those prevailing on the completion date for reasons well known viz: Section 264 of the B.T. and A.L. Act. 1948 which restricts the price of a land to 200 times the assessment. Besides there is a general tendency to avoid stamp duty and to quote lower prices before the Sub-Registrar at the time of the registration, though larger amounts are actually paid privately . But this defect can be remedied by drawing up panchanamas for the prices prevailing on the completion date. Details of the methods are given in the accompanying pages.

The entire note may kindly be gone through and early orders passed so that I can proceed with the work at a brisk space.

A note on the difficulties experienced in implement the first set of Rules to assess Betterment Levy Contributi

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1. The source of irrigation is a ~~xxxxxxx~~ seasonal ca water being supplied from 15th June to 15th October.

2 Ranges of assessment are made after ascertaining th nature of the lands by local enquiry and also local inspec This will not be enough, classification of lands on the bas of nature of soils by the Survey Department is necessary.

3 Cropping pattern is not prescribed by Government fo the Ghataprabha Left Bank Canal area.

4 The construction date is taken as 1949-50 and the completion date as October 1955.

5 The Rules are silent as to the prices to be adopte for calculating the value of the gross produce of the normal year. immediately after the water was let in for irrigatio Thus in the calculations in the accompanying sheets the prices prevailing in the base year 1952-53 have been adopte

6 The 'Normal year' has not been defined in the Rules It is taken to mean an year in which there have been no remissions or suspension of Land Revenue nor any past arrea of Land Revenue put down for collection.

7 After the grouping of lands is made on the basis o ranges of assessment, the crop abstract for each of the groups has to be drawn up. This is a laborious work. For small villages about 2 days and for big villages atleast 7 days would be required, for this purpose. One Talathi wi have to devote his time solely for this work. We may require special Talathis to do this job.

8. In calculating the gross produce for each group of lands, we have to take the figures of standard yields, furnished by the Statistical Department. These figures can usefully be employed, for ~~as~~ they are for the entire dist. Therefore in the accompanying sheets, I have adopted the figures of average yields published by the Tahsildars fo purposes of Notifications under Rule 3 of the B.T. & A.L. R 1948. These figures are based on crop-cutting experiments made by the Tahsildars and their subordinates. From the manner in which these experiments are performed, it is

P.T.O.

Calculation sheet of Betterment Levy contribution - Alagwadi village Taluka Raibag.

1. Maximum Dry Crop assessment per acre. Rs. 1-8-0

2. Nature of Irrigation Seasonal.

3. Groups of lands on the basis of ranges of assessment and nature of soil ascertained by local enquiry and local inspection. three.

Groups		S.Nos. involved.
Group I	0-0-0 to 0-8-0	:- 6,20,25 and 209 with their pot
Group II	0-8-1 to 1-0-0	:- 5,7,8,21,22,23,26,27,29 and 30 their pot-hissas
Group III	1-0-1 to 1-8-0	:- 4,18,19,24,28,31,210 and 212 wi their pot-hissas.

The total No. of pot hissas for the three groups together is 49.

4 The construction date is 1949-50 and the completion is October 1955.

5. The normal years before and after the commencement irrigation facilities have been taken as 1954-55 an 1957.58

6. The prices of 1952-53 have been taken in valuating gross produce for both the normal years.

7. The areas under various crops for each groups and total value is as shown in the accompanying stateme

Group I	78-30	1954-55	2531.50
"	78-30	1957-58	5399.50

The increase in Value is = Rs. 5400
- 2530
= 2870

Ten times the increase value = Rs. 28,700
50% of this = Betterment = 14350.

The Betterment Levy Contribution per acre = Rs. $\frac{14350}{67.28}$ (i.e. 1957-58 area after deducting fallow)
= Rs. 212

Group II	172.29	1954-55	7445 -00
	172-29	1957-58	10363-00
		Difference	2918-00

Total increase in capital value = 2918 X 10 = 29180

Betterment = Rs. $\frac{29180}{2}$ = 14590

Betterment per acre = Rs. $\frac{14590}{172}$ = Rs. 85/-

Group III	123-21	1954-55	Rs. 8257-00
	123-21	1957-58	Rs. 9757-00

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1. Maximum Dry Crop Assessment for the village.

Nature of Irrigation

2. Groups of Lands.

I 0-0-0 to 0-10-0

II 0-10-01 to 1-4-0

3 S.Nos. involved and their average assessments are as u

S.No.	16	0-12-9	Block soil.
"	17	0-5-2	Mardi.
"	34	0-10-2	Black(Karl)
"	38	0-12-8	Black.
"	39	0-8-10	Mardi lands.
"	43	0-8-4	
"	44	0-8-0	

4. The lands are therefore grouped as under:-

I Group I- S.Nos. 17/1A, 17/1B, 39, 43, & 44.

II " :- S.Nos. 16/1, 16/2, 16/3, 16/4, 34/1A, 34/3, 34/4A, 34/5B, 38/1A, 38/1 ~~38/1B~~ 38/3, 38/4A, 38/4B.

5 The areas under various crops ~~xxxxx~~ comming in e group are shown in the accompanying sheet.

6. The out-turn per acre of each of the crops is the average of the taluk, published by the Tahsildar for the purposes of Rule 3 of the B.T.& A.L. Rules 1948.

7. The construction date viz;- 1949-50 is not materia here. The completion date is taken as October 1955. On thi basis the normal years immediately before and after the irrigation facility commenced are taken to be the years 19 and 1957-58.

8. The prices assumed for both years are those for th base year 1952-53.

9. The value of the gross produce for each group wil as under:-

Group I	Total area.	Total value of gross produce.	Value per ac
Group I	19-23	Rs. 3023-99	Rs.31.6

1- The maximum dry crop assessment per acre is Rs. 1-0-0

2. Nature of irrigation ... Seasonal

2.A Cropping pattern Not prescribed.

3. Groups of lands on the bases of ranges of assessment Four.

Group		S.Nos. involved.
Group I 0-0-1 to 0-4-0	:-	52,58,59,60,62,64,18,35,37,38,39,40,43, 44,45,75,87,89,90,91,92,93,95,96,97,98, 100,101,106,149,69 and 70 with pot-hissa
Group II 0-4-1 to 0-8-0	:-	8,47,57,61,63,16, 17, 19, 20, 22,24,25, 27,36,41,54,55,56,76,80,81,82,85,88,90, 107,108,111,112, 113,114,116,117,119,133 72, and 53 with their pot-hissas.
Group III 0-8-1 to 0-12-0	:-	9,48,49,51,12,13,14,21,23,26,28,29,30,33 34,42,77,84,86,94,162,110,115,118,125,13 and 147 with their pot-hissas.
Group IV 0-12-01 to 1-0-0	:-	10,11,65,66,15,31,32,67,73,74,75,78,79, 103,104,105,109,120,121,122,123,124,12 127,128,131,132,134,135,136,137,138,140, 141,143,144, 145,146,71, and 46 with their pot-hissas.

4. Normal years 1954-55 and 1957-58 .

5. Prices:- Those of the base 1952-53 only are adopted in valuating the gross produce for the above years.

6. The detail of areas, out-turns per acre rates per Md.etc. are as shown in the accompanying statements.

	Year	Area.	Total	Average per acre.
7. Group I	1954-55	363-11	6705-42	Rs.19-00
	1957-58	363-11	8064-85	Rs.23-00
			Difference	4-00

Ten times this = Rs. 4 X 10 = 40/- Increase in the value of the land per acre.

Betterment = Rs. $\frac{40}{2}$ = Rs. 20/- per acre.

Group II	1954-55	485-35	20382-31
	1957-58	485-35	23356-30
	Difference =		2474/-

Ten times this = 24740/- i.e. increase in the value of the lands.

50% = Betterment Levy
= Rs. 12370

Betterment per acre :- Rs. $\frac{12370}{482}$ (After deducting fallow of 3 acres.)

= Rs. 25/- roughly

A note on the difficulties experienced in assessing betterment Levy Contribution according to the second set of Rul

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1 The Rules only provide for determining the value of the land by taking into consideration the average price of the land of the kind in question, on the completion date and on the construction date. The method of calculating the average price either of the dates is not indicated in the Rules. It is howeve suggested that average of the prices during the three years pri to the construction date and during three years after the completion date should be taken.

2 These Rules also provide for grouping of lands. As alrea indicated in another note the grouping of lands on the basis of soils is desirable and needs to be made by the Survey Departme This will enable us to assess the sale prices correctly.

3 The Registration extracts received from the Sub-Registr. were gone through for the villages in question and several others in the course of my tour and it was found that the pric prevailing on the construction date, were higher than those on ~~construction~~ completion date, in a majority of the cases . Hence the difference between the two could not be drawn to calculate betterment. Instead local enquiry with the leading persons wa made and the result is as mentioned in the accompanying pages

ALAGWADI VILLAGE in Raibag Taluk

Estimates ~~Extracts~~ of sale values of lands made after local enquiry and in consultation with the leading persons of the village.

In the calculation as per 1st Set of Rules we have had four groupings of lands on the basis of ranges of assessment and nature of soils. But here local enquiry revealed that there could only be two broad classes of lands as (i) Mardi & (ii) Block Soils. The following are the estimates made as above.

	On the construction date.	On the Completion date.
1. Mardi Lands	Rs. 400-500/-	1000/- to 1200/-
2. Block Soil lands	Rs. 1000/-	2000/- to 2500/-

The Betterment levy for (i) would be about Rs. 250-350/- for (ii) it would be about Rs. 500-750/- .

These figures are for higher than those based on the gross produce of the lands.

BAD-BYKUD VILLAGE Taluka Raibag

The position is the same as that of Alagwadi village and hence no separate remarks are given.

DANDAPUR VILLAGE IN GOKAK TALUKA

~~Extracts~~ Estimates of Sale values of lands made after local enquiry and in consultation with the leading persons of the village.

Nature of lands.	Prices on the construction date per acre.	Prices on the completion date per acre.
Mardi	Rs. 200/-	Rs. 600-700/-
Block Soil	Rs. 400/-	Rs. 1000/-

Betterment for group I villages (Mardi) will be Rs. 200 to 250/- per acre as against Rs. 159/- arrived at according to the 1st set of Rules.

Likewise for Group II (Block Soils) the Betterment = Rs. 300/- as against Rs. 192/- according to the 1st set of Rules.

CALCULATION OF DETERMINED LEVY ON GROSS PRODUCE

VILLAGE :- ALINDI

Group I for 1954-55

Details of Crops.	AREA A.G.	OUT-TURN per Acre. In Lbs.	Total Produce Bmd.Srs.	Rate Rs.Np.	Total Value.
1.Kh.Jowar	3-20	400	17-20	8-00	140-00
2.Jowar Kadbi	"		3½ Cart Lds.	15-00	52-50
3.Bajari	13-00	220	44-00	8-50	374-00
4. -Do- Kadbi	"		16 Cart Loads.	5-00	80-00
5.Maize	5-00	800(L.+E.)	50-00	8-00	400-00
6.Kapali Wheat	0-15	400	1-35	16-00	30-00
7.Tur.	0-30	800	7-20	8-00	60-00
8.Minor Pulses	4-07	800	41-30	8-00	334-00
9.Kh.Cotton.	1-20	4 Mds.	6 -00	10-00	60-00
10.Chillies.	2-09	4 "	9-00	25-00	225-00
11.Sugar Cane.	0-20	20 Tons	10Tons.	50/- per ton.	500-00
12. Groundnut	5-15	686 Lbs	46-00	6/-	276-00
13. Fallow.	39-14	-	-	-	-
Total	78-30				2530-00

Group I for 1957-58

Details of Crops.	Area A.G.	Out-turn per Acre.	Total Produce Bmd.Srs.	Rate Rs.Np.	Total Value
Kh.Jowar.	4-20	328	18-18	8-00	147-00
Jowar Kadbi.	"	-	4½ Carts.	15-00	67--50
Bajari	19-22	152	37-02	8-50	319-00
-Do- Kadbi.	"	-	20 Carts.	5-00	100-00
Maize	2-00	800	20-00	8-00	160-00
Kapali Wheat	1-19	400	7-20	16-00	120-00
Tur	0-12	800	3-00	8-00	24-00
Rabi Jowar	6-00	340	25-20	10-00	255-00
-Do-Kadbi			6 Carts.	16-00	90-00
Minor Pulses.	6-25	800	66-10	8-00	530--00
Kh.Cotton	0-05	9 Mds.	1-05	10-00	12-00
Plantains	0-20	26000(No.)	13,000	20 Per thousand.	260-00
Chillies.	1-05	354	5-00	25-00	125-00
Sugar Cane	2-20	20 Tons	50-00	50-00	2500-00
Ground Nut	23-00	400	115-00	6-00	690-00
Fallow :-	11-02	-	-	-	-
Total	78-30				~~5492~~ 5399-50

for 1954-55

Name of Crop.	Area A-Gs-	Out-Turn per acre. Lbs	Total produce. Bmd.Grs.	Rate. R.Np.	Total Value
1. Kh.Jawar	2-36	400	14-30	8-00	116-00
2. -do-Kadbi	"		3 Carts	15-00	45-00
3. Bajari	80-29	220	222-02	8-50	1887-00
4. -do-Kadbi	"		80 Carts	5-00	400-00
5. Rabi Jawar	17-27	400	88-15	10-00	884-00
6. -do-Kadbi	"		18 Carts	15-00	270-00
7. Maize	2-06	800	21-20	8-00	172-00
8. Wheat	5-03	400	25-30	16-00	412-00
9. Tur	0-03	800	0-30	8-00	6-00
10. Minor pulses	25-24	800	256-00	8-00	2048-00
11. Th:Cotton	-	-	-	-	-
12. Plantains	0-20	26000	13,000	20-00 per 1000	260-00
13. Chillies	4-12	354	18-36	25-00	470-00
14. Sugar Cane	-	-	-	50-00	-
15. A.Til	-	-	-	-	-
16. Groundnut	15-00	400	75-00	6-00	450=00
17. Tobacco	00-01	3 Mds	0-03	-	25-00
18. Fallow	25-33	per A	2-	-	-
					7448-00

Name of Crop	Area A.Gs.	Out-turn per acre. Lbs.	Total Produce. Bmd.Grs.	Rate R.Np.	Total Value R.Np.
1. Kh.Jawar	28-00	328	112-00	8-00	896-00
-do-Kadbi			28 Carts	15-00	420-00
2. Bajari	28-00	152	52-00	8-50	441-00
-do-Kadbi			28 Cart	5-00	140-00
3. Groundnut	17-00	400	85 Carts	6-00	513-00
4. Rabi-Jawar	51-05	340-22	212-00	10-00	2120=00
-do-Kadbi			51 Carts	15-00	765 -00
5. Sugarcane	-	-	-	-	-
6. Tur	2-12	800	22½	8-00	180-00
7. Chillies	6-36	354	29⅔	25-00	741-31
8. Wheat	3=32	800	86⅞	16-00	1390-00
9. Cotton	0-29	9 Mds	6½	10-00	65-00
10. Minor Pulses	8-33	890	86⅞	8-00	695-00
11. Maize	7-04	800	69¼	8-00	554-00
12. Plaintains	1-30	26000	45250-00	20-00 per thousand	905-00
13. Paddy	1-30	492	10½	28-00	294-00
14. Ragi	0-09	1230	3½	8-00	28-00
15. Tobacco	0-08	8 Mds		25-00	200-00
16. Halad	0-01	10Mds	114	60-00	
17. Fallow	6-35				
Total	179-24				10363-31

ALAMADI VILLAGE Taluka Raibag.

Group III

For 1954-55

Name of Crops	Area. A.Gs.	Out-Turn per acre.	Total produce. Bmd.Srs.	Rate Rs.Np.	Total Value Rs.Np.
1.Kh.Jowar	-	-	-	-	-
2.Bajari.	35-04	220	96-20	8-50	820-00
-Do-Kadbi.			35Carts.	5-00-	175-00
3.Rabi Jowar.	46-00	400	230-00	10-00	2300-00
-Do- Kadbi.			46 Carts.	15-00	690-00
4.Maize.	17-26	800	176-20	8-00	1412-00
5.Wheat.	2-31	400	13-30	16-00	220-00
6. Tur.	0-20	800	5-00	8-00	40-00
7. Minor pulses.	5-38	800	59-20	8-00	476-00
8. Kh.Cotton.	1-10	9 Mds.	11-10	10-00	112-50
9. Plaintains.	2-34	26000	74100	20 per 1000	1482-00
10.Chillies.	1-35	354	8-17	25-00	210-00
11.Sugar Cane.	-	-	-	40-00	-
12. Til.	-	-	-	-	-
13.Groundnut.	8-00	200	20-00		320-00
14. Tabacco.					
15. Fallow.	1-23				
Total	123-21				8,257-50

1957-58

Name of Crops.	Area A.Gs.	Out-turn per acre.	Total produce. Bmd.Srs.	Rate. Rs.Np.	Total Value. Rs.Np.
Kh.Jowar.	8-00	328	31-00	8-00	248-00
-Do-Kadbi.			8 Carts.	15-00	
Bajari.	15-00	152	9⅓	8-50	
-Do-Kadbi.			15 Carts.	5-00	75-00
Groundnut.					
Rabi-Jowar.	53-16	340	220⅔	10-00	2206-31
-Do-Kadbi			53 Carts.	15-00	795-00
Sugarcane.	0-32		16 tons	50-00	8-00-00
					80-00
Tur.	1-01	800	11⅔ 10	18-00	552-68
Chillies.	11-20	354	23	25-00	575-00
Wheat.	4-11	800	41⅔	16-00	666-68
Cotton.	2-33	9 Mds.	22 2/5	10-00	224-00
Minor pulses.	6-33	800	66⅓	8-00	530-10
Maize.	6-39	800	68 3/10	8-00	526-13
Plantains.	3-39	26000	104000	20 per 1000	2080-00
Paddy.	2-00	492	12⅓	28-00	839-50
Fallow;-	7-07				
Total	123-21				9766-96

CALCULATION SHEET OF BETTERMENT LEVY ON GROSS PRODUCE Village :-Badbykud Tal.Rai

Name of Crop.	GROUP I FOR 1954-55 Area A.Gs.	Out-turn per acre. in Lbs.	Total produce. Bmds.Srs.	Rate. Rs.Np.	Total value Rs.Np.	GROUP I FOR 1957-58 Area A.Gs.	Out-turn per acre in lbs.	Total produce. Bmd. Srs.	Rate. Rs.Np.	Total Value Rs.Np.
1.Kh.Jowar.	4-20	120	6-24	8-00	52-80	3-11	120	4-32	8-00	38-40
-Do-Kadbi			3 Carts	15-00	45-00			2 Carts.	15-00	30-00
2.Bajari	144-25	80	141-04	8-50	1199-35	96-05	80	93-32	8-50	797-30
-Do-Kadbi	"		56 Carts.	5-00	280-00			37 Carts.	5-00	185-00
3.Paddy.	2-20	1230	37-20	8-00	300-00	-2-13	1230	35-16	8-00	283-00
4.Rabi-Jowar.	12-10	340	50-32	9-00	456-45	-	-	-	-	-
5.Maize	0-05	300 (L.E.)	0-18	8-00	3-60	-	-	-	-	-
6.Tur.	2-17	205	6-00	8-00	48-00	8-16	205	21-00	8-00	168-00
7.Gram.	5-16	400	26-14	8-00	210-80	0-05	400	0-25	8-00	5-00
8.Groundnut	132-32	360	572-18	6-00	3434-62	181-21	360	823-12	6-00	4939-75
9.Minor pulses.	45-17	150	83-04	8-00	664-80	42-38	150	78-22	8-00	628-40
10.Wheat.	-0-05	400	0-25	16-00	10-00	-	-	-	-	-
11.Cotton.						11-00	9 Mds.	99-00	10-00	990-00
12 Fallow	134-00					11-22				
	363-11-				6705-42	363-11				8064-85

Group II

Bidb/kud village Taluka Kalba:

Name of Crop.	1954-55 Area A.Gs.	Out-turn per acre. Lbs.	Total produce. Bmd.Sr	Rate. Rs.Np.	Total Value Rs.Np.	1957-58 Area. A.Gs.	Out-turn per acre. Lbs	Total produce. Bmd.Sr s.	Rate. Rs.Np.	Total value Rs.Np
1.Kh.Jowar.	19-30	398	95-35	8-00	767-00	28-37	363	128-02	8-00	1024-40
" Kadabi			38 Carts.	15-00	570-00			51 Carts.	15-00	765-00
2. Bajari	238-10	130	377-29	8-50	3210-86	156-15	203	387-06	18 -00	3290-00
-Do-Kadabi			150Carts.	5-00	750-00			154Carts.	5-00	770-00
3.Paddy.	2-15	1230	35-26	8-00	285-20	9-22	1230	143-10	8-00	1146-00
4.Rabi Jowar	44-30	340	185-20	9-00	1669-50	13-30	400	67-03	9-00	603-66
5.Maize	20-25	300	75-18	8-00	603-60	2-10	400	2-00	8-00	16-00
6.Tur.	5-28	205	1168-00	8-00	9344-00	10-28	205	42-03	8-00	336-60
7.Gram.	6-35	400	33-20	8-00	268-00	4-13	400	21-04	8-00	168-80
8.Groundnut	82-15	250	250-32	6-00	1504-80	184-12	498	1110-12	6-00	6715-80
9.Minor Pulses.	58-12	150	106-26	8-00	853-20	46-08	200	112-28	8-00	901-60
10.Wheat.	2-14	400	11-89	16-00	183-60	1-10	400	6-04	16-00	97-60
11.Cotton.	3-05	9 mds	28-05	30-00	843-75	21-35	10 mds	219-00	30-00	657-00
12.Chillies.	0-20	525	3-08	9-00	28-80	1-35	245	5-24	9-00	50-38
13.Sugar Cane.	-	-	-	-	-	1-20	20 tons	30 tons	30-00 per ton	900-00
14. Fallow	0-28	-	-	-	-	3-00	-	-	-	-
Total	485-35				20882-31	485-35				23356-60

GROUP III

Name of Crop.	for 1954-55 Area. A.Gs.	Out-turn per acre. Lbs.	Total Produce. Bmd.Srs.	Rate. Rs.Np.	Total Value. Rs.Np.	Badbykud for 1957-58 Area. A.Gs.	Out-turn per acre. Lbs.	Total produce. Bmd.Srs.	Rate. Rs.Np.	Total Value. Rs.Np.
1.Kh.Jowar.	21-23	709	186-21	8-00	1492-20	53-24	560	366-00	8-00	2928-00
Kadbi.			74 Carts.	15-00	1110-00			146 Carts.	15-00	2190-00
2.Bajari	132-00	214	344-30	8-50	2930-37	110-24	284	383-00	8-50	3175-50
Kadbi.			138 Carts.	5-00	690-00			152 Carts.	5-00	760-00
3.Paddy.	4-10	1230	63-30	8-00	510-00	8-23	1230	128-24	8-00	1028-80
4.Rabi Jowar.	75-00	340	311-00	9-00	2799-00	48-30	500	297-10	9-00	2675=25
5.Maize.	8-00	300	11-00	8-00	88-00	3-21	400	17-08	8-00	137-60
6. Tur.	8-00	205	20-00	8-00	160-00	9-06	205	22-35	8-00	183-00
7.Gram.	13-20	400	65-35	8-00	527-00	4-34	400	23-27	8-00	189-40
8.Groundnut	83-14	873	887-12	6-00	5323-80	103-00	603	757-17	6-00	4544-55
9.Minor pulses.	40-27	150	8-24	8-00	68-80	37-24	200	91-28	8-00	733-60
										450-00
10.Sugarcane	-	-	-	-	-	0-30	20 Tons	15 Tons	30-00	~~11430-00~~
11.Cotton.	33-02	9 Mds.	297-18	30-00	8923-50	38-04	10 Mds.	381 Mds.	30-00	11430-00
Wheat.										
12.~~Chillies.~~	7-35	400	38-17	16-00	614-80	5-35	400	28-27	16-00	458-80
Chillies.										
13.~~Wheat.~~	1-15	700	11-26	9-00	104-75	0-10	416	1-20	9-00	13-50
14.~~Chillies.~~										
15.Fallow	1-20					0-21				
Total	425-06				25342-22	425-06				30898-00

Badbykud

GROUP IV

Name of Crop.	For 1954-55 Area. A-Gs-	Out-turn per acre. Lbs.	Total Produce. Bmd.Srs.	Rate. Rs.Np.	Total Value Rs.Np.		For 1957-58 Area. A.Gs.	Out-turn per Acre. Lbs.	Total Produce. Bmd.Srs.	Rate. Rs.Np.	Total Value. Rs.Np.
1.Kh.Jowar.	16-20	709	142-27	8-00	1141-33		55-03	560	376-05	8-00	3009-00
Kadbi.			56 Carts.	15-00	840-00				150 Carts	15-00	2250-00
2.Bajari.	103-21	214	270-08	8-50	2296-70		63-00	284	218-08	8-50	1874-70
Kadbi.			108Carts.	1-00	540-00				88 Carts.	5-00	440-00
3.Paddy.	9-20	1230	142-20	8-00	1140-00		9-31	1230	146=28	8-00	1171-60
4.Rabi Jowar.	63-16	340	262-34	9-00	2365-62		18-20	500	11-11	9-00	101-47
5.Maize.	16-05	300	59-00	8-00	472-00		16-31	400	81-34	8-00	654-90
6.Tur.	2-20	205	6-10	8-00	50-00		8-37	205	22-10	8-00	178-00
7.Gram.	16-20	400	80-20	8-00	644-00		1-17	400	7-00	8-00	56-00
8.Groundnut.	43-26	873	464-24	6-00	2787-60		76-07	603	560-06	6-00	3360-90
9.Minor Pulses.	24-10	150	44-15	8-00	355-00		26-34	200	65-20	8-00	524-00
10.Sugarcane.	3-35	20Tons	77½ Tons	30-00	2325-00		11-06	20 Tons	223 tons	30-00	6690-00
11.Cotton.	62-14	9 Mds.	561 Mds.	30-00	16830-00		71-25	10 Mds.	716-10	30-00	21487-50
12.Wheat.	24-10	400	118-12	16-00	1892-80		22-04	400	107-33	16-00	1725-20
13.Chillies.	10-20	700	90=00	9-00	810-00		12-17	416	62-39	9-00	567-00
14.Plaintains.	2-05	26000 per Acre.	55250(In Nos.)	20/-P per 1000	1105-00		3-25	26000	94250	20/-Per 1000	1885-00
15. Fallow	7-24					Halad- Fallow	0-38 8-11	7Mds.	6 13/20	30 -00	199-50
Total	406-26				35595-05		406-26				46336-77

CALCULATION OF DEPTH LEVEL OF [illegible]

VILLAGE :- [illegible]
TALUKA :- [illegible]

Name of Crops.	Group I for 1954-55 Area A.Gs.	Out-turn per acre.	Total produce Bmd. Srs.	Rate Rs.Np.	Total value Rs.Np.	Group I for 1957-58 Area A.Gs.	Out-turn per acre.	Total Produce Bmd.Srs.	Rate Rs.Np.	Total Value Rs.Np.
1. Th.Jowar	21-14	570	149-20	8-00	1193-00	12-04	306	89-22	8-00	716-37
Th.Kadabi	"									
2. Bajari	9-05	177	19-20	8-50	165-75	7-18	300	27-10	8-50	231-62
Kadabi 3. Tur	1-05	850	11-27	9-19	107-19	1-34	284	6-15	9-19	58-56
4. Groundnut.	1-00	400	4-36	11-00	53-90	10-13	545	68-28	11-00	754-20
5. Sugar Cane	0-20	20 Tons	10 Tons	30-00	300-00	1-20	20 Tons	30 Tons	30-00	900-00
6. Maize	7-00	1230	105-00	8-50	892-50	8-10	1230	123-30	8-50	1051-80
7. Wheat	3-00	300	11-00	17-00	187-00	0-20	405	2-19	17-00	42-08
8. Chillies	0-20	300	1-34	9-00	13-35	-	400	-	-	-
9. Other pulses.	5-12	205	13-15	8-00	105-00	4-28	205	11-29	8-00	94-00
10. ~~Xxxxxx~~ Paddy						6-10	1230	93-30	12-00	1125-00
11. Rabi Jowar	-					7-00	820	70-00	9-00	630-00
12 Fallow	~~17-27~~					6-10				
	~~49-07~~ 66-0				3023-99	66-07				5603-6

Village Dandapur Taluk - Gokak.

Name of Crop.	Group II for 1954-55 Area. A-Gs.	Out-turn per acre.	Total Produce.	Rate. Rs.Np.	Total value Rs.Np.	Group II for 1957-58 Area. A.Gs.	Out-turn per acre.	Total Produce.	Rate. Rs.Np.	Total Value Rs.
1.Th.Jowar.	13-17	570	93-11	8-00	746-20	10-10	606	75-30	8-00	606-0
2.Bajari	5-36	179	12-30	8-50	108-37	4-30	300	17-15	8-30	147-7
3.Tur.	2-14	850	24-15	9-19	224-01	0-18	284	1-23	9-19	14-5
4.Groundnut	1-00	400	5-00	11-00	55--00	2-10	545	15-00	11-00	165-0
5.Sugarcane		20 tons	-	-	-	2-20	20 tons	50-00	30-00	1500-0
6.Maize	7-22	1230	113-10	8-50	962-12	5-05	1230	76-36	8-50	653-6
7.Wheat	0-31	300	2-34	17-00	48-00	1-06	405	5-27	17-00	96-4
8.Chillies	1-40	300	3-24	9-00	32-38	4-06	400	20-10	9-00	182-2
9.Minor Pulses	2 -17	205	6-02	8-00	48-40	2-00	205	5-00	8-00	40-0
10.Paddy.	0-15	1230	5-26	12-00	67-80	1-20	1230	22-20	12-00	270-0
11.Cotton	1-00	4 Mds.	4-00	10-00	40-00	1-30	9 Mds.	15-30	10-00	153-0
12.Rabi.Jowar	1-02	500	6-16	9-00	57-60	-	-	-	-	-
13.Plantains	-	-	-	-	.	3-06	26000	81900 (Nos)	20 Per thousand	1638-0
13.Fallow										
Total	47-18				2389-88	47-18				4011-5

D.O.No.34/BTL/62-63/696

Dear Sir,

GOVT. SECRETARIAT
No. 9767
7 DEC 1962
(GENERAL IRRIGATION)

Sub: Betterment Levy Rules.

Ref: Your D.O. letter No.PWD 127 GIG 61 dated 13-11-62.

I send herewith my comments and suggestions in respect of both the set of rules together with the working sheets, calculating the betterment contribution based on both the principles.

In rule 11 (ii) of the Draft Revised Rules 1962, the word 'Commencement' appearing in line 3 appears to be a mistake. The correct word would be "Completion".

If any more examples are to be worked out, I may be informed accordingly.

Yours Sincerely,

(S.N. TORVI)

Shri K. B. Murarappa B.E., M.C.E., (U.S.A),
Deputy Secretary to Government,
Public Works Department (Irrigation),
BANGALORE.

Mysore Irrigation (Levy of Betterment Contribution) Rules 1952 (Revised).

In these rules the basis of working out the increase in the capital value is the gross produce. The gross produce of each crop on the land has to be worked out at two stages — (1) for a normal year before water reached the land and (2) for a normal year in respect of all the crops that enter into the crop pattern, after the water reached the land (Rule 11 (i) and (ii). For this purpose under rule 11 (3) the out turn per acre will have to be worked out on the basis of the crop cutting experiments. This method or procedure may work well in respect of the projects which are to be constructed hereafter. But it is unworkable so far as TBP is concerned while the date of construction of Project VIZ 1945 will be constant, the date of completion of every stage, from which irrigation facility was provided from time to time, will vary. The main canal from mile 0-18 was completed in all respects and water was let in, for the purpose of irrigation, through the distributaries, in July 1953. So, the out turn per acre for a normal year following 1953, which is in all probability the year 1954, will have to be worked out. It is now not possible, by any means, to work out the out-turn of the yield for the year 1954 by conducting crop experiments. If the rule is so modified as to provide for taking into consideration the out turn of crop ~~from~~ for the year 53-54, it is possible to plan from now only the crop experiments to be conducted on the different type or groups of land for different crops.

The crop pattern prescribed for the TBP., area is as follows:-

1.	Sugarcane	...	15,000
2.	Paddy	...	60,000
3.	Kharif	...	2,00,000
4.	Rabi	...	2,00,000
5.	Cotton	...	75,000
6.	Other garden crops.	...	30,000
		Total.	5,80,000

My enquiry into Koppal Taluka reveals that no land localised for Kharif, Rabi or for Garden Crops has been utilised for the purpose. So, it is not possible to findout, even today, the ...

the out turn per acre of the crops that enter into the abov three categories; it may not be an exaggeration, if I stat that not even a single acre of land is available to find ou by crop test the yield of such crops. So, the data, to wor out the increase in the capital value or the basis to work out the gross produce for the year following the date of completion is not thus available. Besides, for the first s years, there won't be any yield from the land to be develop as garden crop. Again in rule 12 (1) it has been provided the value of the increase in the gross produce has to be capitalised at 10 times. This ha been adopted from the pattern of Madras Rules; but it will seen from the working sheet enclosed, in respect of Sugarcan that the Betterment Levy itself is higher than the present prevailing rate of prices per acre of the Sugarcane land. yield of Sugarcane in respect of Class I lands, has not been less than 35 tons and in respect of the inferior class it ha not been less than 20 tons. Another difficulty presents us in evaluating the prices of Sugarcane. All persons who are registered as suppliers of Sugarcane to the Sugar factory are assured of the rate fixed by the Central Government. But, ou cannot get the same ratee as the Sugarcane is not purchased by the factory and they have to process it to gur and procur market for it.

In respect of the area localised for Kharif, Rabi and cotton, there may not be much difference in the out turn of the two normal years; because the out turn is for the year o normal rainfall and so there may not be any necessity of watering the crops.

Betterment Levy Officer
MUNIRABAD.

4.12.62

II. Draft amendments and additions to t
(Levy of Betterment Contribution) Rules, 1961.

The second set of rules VIZ. Amendments to the rules 1961 is based on the sale prices of the lands. The average value of sale prices of the land, prevailing during the 3 years precedin the date of construction and three years following the date of completion, has to be worked out and the difference will be the increase in the capital value; 50% thereof will be the betterm contribution. The principle underlying is to work out the increase in the value on account of the betterment due to the water facility. But by taking into consideration the sale price prevailing at the date of construction and at the date of comple tion, the increase in the value of lands due to other factors, such as, increase in the prices of commodities, will not have been excluded. I suggest that the sale prices of the lands VIZ Irrigated and non-irrigated lands, during the same period should be compared and the increase worked out, which will give the betterment value. This year should be the year of development, (not year of completion) which shall be declared by the Deputy Commissioner

The argument against accepting the sale prices of the lands as the basis for assessing the betterment, is that, the normal sales of lands being restricted on account of Tenancy lands or land Reform measures, the prices of the lands would not be the correct index. Even so, the sale statistics have been accepted as the basis for assessing the land valuation in land acquisition cases and the cases have stood the test in the references to the Civil courts also. I find no objection in accepting the sale prices as the basis to work out the increase in the Capital value.

Since the Madras itself has expressed the trend of giving up the gross produce rule for fixing up the betterment contribution, I suggest that the first set of rules may not be accepted, in view of the difficulties explained above. It may be considered, if it be advisable to fix up adhoc rates, worked on the yield data obtained for different crops after crop experiments

Construction date 1945

Completion date July 1953

Source of Irrigation	Area Irrigated
Distributary Nos.3 & 3A	182-38 } 22-08 }Sugarcane. -------- 205-06 -------
Crop pattern prescribed-	Sugar-cane.
	Rs. Np.
(a) Maximum assessment	1 -34
(b) Minimum assessment	0-22

The following four groups are formed on the range of assessment - Rule No.8.

(1) 0-94 to 1-34
(2) 0-75 to 0-93
(3) 0-50 to 0-74
(4) 0-22 to 0-49

	Area	Assessment	
S.No.17	....A.21-34	Rs.24-00	Class I

Area Irrigated for Sugarcane ... A.11-06

Out turn per acre 35 Tons. } Value @ Rs.40-80 per ton,
} average of 3 years for
Rs.1428-00 } 1957-58, 58-59 & 59-60.

Note:- Out turn per acre for a normal year, immediately after the completion of the work has to be worked out Rule 11 (ii). The work has been completed & water let out in this area in July 1953. So 1954 will be the normal year. It is not possible to ascertain the yield, by the method of actual crop cutting experiment, for the year 1954 or any previous year. Crop cutting experiments could be conducted and yield data worked out, in the ensuing years. The yield worked out, is for the year 1961, ascertained after local enquiry.

Deduct 25% of the value of gross produce - Rule 12 (1)

Rs.1428-357 = Rs.1071/-

The normal yield per acre in a normal year, before the water reached the land - Rule 11(i)

@ Rs.11-70 per maund
12 maunds Rs.11-70 x 12 = 140-40

Value of the annual increase in the gross produce of the two normal years - Rule 11 (2).

1) Rs.1071-00
2) Rs. 140-40

Rs. 930-60-

Ten times the annual increase col.7 shall be deemed to be the increase in the capital value of lands under class I, for Sugarcane.

So, Rs.930-60 x 10 = Rs.9306-00

50% will be the betterment contribution per acre of class I lands, localised for Sugarcane -

Rs.4653-00 per acre.

BETTERMENT LEVY OFFICER
MUNIRABAD.

Date of constructi n (commencement) 1945

Date of completion July 1953

1) Source of Irrigation Area localised

Distributary No.5 1-20 (Paddy)

2) Crop pattern prescribed Paddy.

3) Assessment-

(a) Maximum Rs.1-34
(b) Minimum Rs.0-22

4) The following are the classes of lands formed on the ranges of assessment.

I	0-94	to 1-34
II	0-75	0-93
III	0-50	0-74
IV	0-22	0-49

		Area	Assessment	
5) S.No.215	...	13-39	12-84	falls in class II

The entire area of A1-20 G, localised paddy is from S.No.215.

Average 2200 Lb per acre. average price of paddy
= 990 Kg. @ Rs.12-90 per maund.
Rs.348-00

Note: The out turn for a normal year immediately after completion of the work (1953) Rule 11 (ii) has to be worked out. Since it is not possible to get this figure, the out turn for 60-61 has been taken into consideration.

6) Deduct 25% of the value of gross produce (Rule 12 (1))

Rs.348-00 - Rs.87-00 = Rs.261-00

7) The normal yield per acre in a normal year for class II land.

6 maunds of Jawar per acre.
@ the average rate of Rs.11-70 np, per maund.
= Rs.70-20

8) Value of the annual increase in the gross produce of the two normal years - (Rule 11 (2)

1) Rs.261-00
2) Rs. 70-20

Rs.190-80
---

9) Ten times the annual increase - col.7 will be deemed to be the increase in the capital value of lands under class II - localised for Paddy.
So, Rs.190-80 x 10 = 1908-00

10) 50% will be the betterment contribution - ~~per acre of class II~~
Per acre of class II lands localised for Paddy at Hittanhal.

Rs.954-00 per acre Betterment Contribution.

BETTERMENT LEVY OFFICER,
MUNIRABAD.

Date of construction ... 1945
Date of completion ... 1953

Source of Irrigation	Area localised S.cane.	Paddy.	Kharif.	Rabi.	Garden
Distributary No.3 & 3A ...	182-38		15-20		30-24
" 5 ...	22-08	1-20	13-13	--	--

Assessment-

Maximum 1-34
Minimum 0-22

The following classes are formed on the range of assessment-

i) 0-94 to 1-34
ii) 0-75 to 0-93
iii) 0-50 to 0-74
iv) 0-22 to 0-49

The following lands are taken up for calculation of betterment contribution-

		Area.	Assessment.	
1)	S.No. 17	21-34	24-00	Class I Sugarcane land
2)	" 215	13-39	12-84	Class II Paddy.

There was no demand for lands in the village before the water reached the land. The average sale price of the land per acre is Rs.52/- in 1945. (Value of land at the date of commencement)

The following are the sales of wet lands to be taken into consideration -

	Area.	Assessment.	Rs. np.	
S.No.48	2-18	3-00		
59	1-30	2-02	6000-00	1952
25	2-24	3-37	4800-00	
12	1-14	3-81	2500-00	1960
	8-06		13300-00	

The average price of class I land works out to Rs.1650/- per acre.

On the basis of the above sales the average rate per acre of class II lands works out to Rs.1225/- per acre.

Increase in the value of the land (Rule No.10) will be -

Class I land Rs.1650-00 - Rs.52-00 = Rs.1598-00

Class II land Rs.1225-00 - Rs.52-00 = Rs. 1173-00

So, 50% will be the betterment contribution.

1) The betterment contribution for class I lands.

Per acre will be Rs.799-00 (wet lands)

2) Betterment contribution per acre for class II lands will be Rs.586-50 (wet land)

BETTERMENT LEVY OFFICER,
MUNIRABAD.

B (Sale prices)

VILLAGE: NARAYANPET.

Date of construction (commencement) 1945

Date of completion ... 1953

Source of Irrigation — Area localised

Distributary No.9 — 145-39 (Sugarcane)

Crop pattern prescribed ... Sugarcane

Assessment-	Maximum	Minimum
	1-56	1-25

All the area being localised for sugarcane and coming un the same range of assessment, the classification given is Class I.

Rule 9. The value of the land at the date of commencemen 1945.

There have been no sales of lands at all in the village upto 1951.

All the lands of the village were owned by one Mudgal family and were left uncultivated in a very neglected condition. The village is uninhabited.

So the sales of the similar lands of the neighbouring villages have to be taken into consideration.

There have been no sales in the following villages also-

1) Bandi Harlapur	4) Attiwatti	Nos.4,5 & 6
2) Basapur	5) Ayodhya	are deserted
3) Mohamednagar	6) Rajarampet	villages.

So 25 years assessment (value of a cultivable waste) is adopted as the rate per acre.

The price level of lands in Narayanpet in 1959 works out to Rs.900/- per acre and in 1962 to Rs.3000/- per acre.

Rule 10. Rs.900-00 - Rs.25-00

= Rs.875-00 per acre 50%. Works out to Rs.437-50

Rs.435/- per acre in round figures.

If the present value is taken-

Rs.3000/- per acre

Rs.3000-00
Rs. 25-00

Rs.2975-00

Rs.1487-50

Rs.1485/- per acre. (In round figure)

BETTERMENT LEVY OFFICER,
MUNIRABAD.

****

A. (Gross Produce Rs.)

VILLAGE: NARAYANPET.

.te of commencement (construction date) 1945

.te of completion July 1953

1) Source of Irrigation Area localised

Distributary No.9 145-39 Sugarcane

Crop pattern prescribed Sugarcane

A. Maximum Assessment 1-56

B. Minimum Assessment 1-25

All the lands being localised for Sugarcane ~~and~~ all in the same range of assessment are classed in class I.

The entire area of A.145-39G, Sugarcane is owned and cultivated by three families, who have settled here from Andhra. The Sugarcane yield per acre in some cases went upto 70 tons per acre. My enquiry disclosed that the average yield per acre has not been less than 35 tons per acre.

Value of 35 tons @ 40-80 per ton (average of 3 years for 57-58 to 59-60)

Rs.1428-00

Deduct 25% of (the value of gross produce) Rs.1428-00 (rule 12 (i))

Rs.1428 - 357 = Rs.1171-00

Normal yield per acre in a normal year before the water reached the land - Rule 11 (i)

4 bags of Jawar = 12 maunds value Rs. ~~151/-~~ 140-40

Note:- The entire village was fallow and left uncultivated till 1951, when (1) Seetaramaya (2) Suraparaj and another came from Andhra and took lands on lease and started habitation and cultivation. Till 1951, the lands were not under plough and so the yield now taken is presumptive.

Rule 11 (2). Value of the annual increase in the gross produce of the 2 normal years.

1) Rs.1171-00
2) Rs. 140-40

1030-60

Rs.1030-60

GOVERNMENT OF MYSORE.

2-B1. 10100

OFFICE OF THE BETTERMENT LEVY OF THUNGABHADRA PROJECT, BELLAR

To

Date 14-12-19

The Deputy Secretary to the Government,
Public Works Department, Govt. of Mysore,
BANGALORE - 2.

Sub: -Betterment Levy -- Tungabhadra Project - Bellar District - Levy of Contributions.

Ref:-Your D.O.No.PWD 127 HB 61 dated 13-11-1962.

-=-=-=-

With reference to the subject mentioned above I am submitting herewith the samples worked out wi separate notes, according to the two methods(i.e.,) the amended rules of 1961 as well as the proposed draft rules 1962, based on average market value and the gross produce respectively.

The time given being short, the samples have been worked out on the information readily available or whatever could be collected without much loss of time. However, while working out these samples, the spirit of the particular form and the principles involved have been kept up and followed to the extent possible. Hence this may not be construed as a departure from the rules.

Gross produce, forms the basis in these Rules, not for the purpose of evaluating the land but to find out the increase in the value, after the land received the benefits of water supply.

So far the theory is concerned it appears to be quite fair, but when put into practice, it becomes un-workable and one is confronted with some difficulties explained below:-

1. The definition of the term "NORMAL YEAR" appearing in sub rule(i) of Rule 11 relating to the period immediately preceding the year in which water was let in for irrigation for the first time i.e., during the period when lands were being cultivated dry, has not been provided in rule 2. In case it is to be taken as the normalcy of the seasonal conditions, then which should be the normal year for the purpose of sub rule(ii) of the same rule i.e., after the completion of the work? Enquiries in the ayacut area reveal that a normal year in the sense, a cultivator getting a normal yield, is the fourth year after the water is utilised, duly conditioning the land and is never earlier than that. I may add that it is in conformity with this principle only that water-rate under a new project is imposed at a sliding scale and full rate is charged only in the fourth year. It is requested that appropriate definition of the term "normal year" for the purposes of both sub rules(i) and (ii) may be provided.

2. The word "commencement" appearing in the third line in sub rule (ii) obviously seems to be a mistake, in view of the principle of finding out the difference in the gross produce for the two normal years i.e., one prior to letting in water and the other after water was made available for irrigation and to work out the increase in

of determining the Betterment Levy in the manner prescribed.

Reconditioning charges:- It is provided in Rule 12 that "in the case of lands which were originally under dry cultivation and which, with a view to derive benefit from the work were brought under wet cultivation, a sum not exceeding 25% of the value of gross produce determined as above shall be deducted for the purpose of calculating the increase in the value of calculating the increase in the value of these lands." It is presumed that since conversion of dry lands into dry-cum-wet requires reconditioning which naturally involves certain amount of expenditure, the concession shown above is equally applicable to all the three classes of lands namely, perennial, wet, and dry-cum-wet.

Price Index:- The price index for different commodities for different years including the price index of 1952-53(base year) as envisaged in Rules 10 has not been maintained in any taluk office. Even the Market Committee has not got this information except for cotton and groundnut which were the only commodities notified as commercial crops. Certain commodities such as Jawar, Paddy...etc., were notified as commercial crops later and the prices for these commodities are available from 1960 onwards. The information about the previous years is not available even with the statistics department. Hence it is a matter for consideration as to how average price is to be worked out for the purpose of converting the gross produce into cash.

PROPOSED AMENDMENTS TO THE BETTERMENT LEVY RULES 1961.

These amendments based on market value were propose the Betterment Levy Officers and suitably drafted by th Sub-Committee constituted with the Betterment Levy Offi as members and the Special Officer(Resources and Econom as its Chairman, during June 1962. Since certain pract difficulties, which could not be foreseen while draftin the rules, have been met with while working the samples enumerated below, being worthy of consideration by the Government.

1. "The value of the land" as given in explanation to Rule 2, means "the average value of sale prices prevailing during the three years preceding the date of commencement of the work and three years following the of completion respectively". The date of completion as defined in explanation 1 to the same rule is, "the date completion of the work or any part or any stage thereof notified by the Deputy Commissioner under rule 7".

While collecting the dates of completion of the wor i.e., the date on which water was let in for irrigation the lands in different villages, it was noticed that th are very few villages where lands are irrigated from on distributory or a single direct-pipe. In majority of c the lands have been supplied with water from more than outlet. The result is that lands in one village receiv water on different dates. There are many villages wher the date of completion falls in the years ~~1960~~ 1960 and There are some villages which have received the water a late as in June 1962, while there still remain a few villages where water has not reached the full extent commandable. Any how, as the year is coming to a close the date of completion so far as these villages are con is definitely going to fall in the year 1963.

of Rs.100-00 and 300-00 in respect of dry-cum-wet and lands respectively may be deducted.

14/12

(MD.ABID HUSSAIN)
cerment Levy Officer,
ngabhadra Project,
B E L L A R Y.

G E N E R A L.

There are different methods for evaluating the lan before we proceed with the determination of Betterment Levy. The important thing which is to be kept in view i that whatever method we adopt, the levy worked out shoul be fair, reasonable and within the ryot's capacity to pa

It will not be out of place to mention here that t implementation of the existing Better ent Levy Rules 196 based on standard yield and gross produce, was put off o account of non-availability of authentic data regarding the yield...etc., either with the statistics department or the Agricultural department. The same difficulty is experienced in respect of prices for different commoditi during the past years. Even if these difficulties are overcome in some way or the other, the levy worked out will be a huge amount which will be definitely beyond th ryot's capacity to pay. A close study of the samples worked out would reveal that the amount of levy is great than the prevailing market value of the land except for dry-cum-wet land.

I may be permitted to mention here the proviso to Section 4 of the Mysore Irrigation(Levy of Betterment Contribution and Water rate) Act, 1957, as existed in th original Act, which had limited the contribution to Rs.500/- per acre. This limit was later removed by an ammendment not because that the Government wanted to impose levy at a higher rate but because the committee for subordinate Legislation objected to it on the ground that it would benefit only a class of people whose levy exceeded Rs.500/- and that this was against the principl of equity and justice.

Copy of circular No.RDF. 412 TKV 57 dated 21-8-1958 of the Office of the Secr tary to Government of Mysore Revenue Department, B ngalore to all the Divisional Commissioners, All the Deputy Commissioner.....etc.,

=====

Sub:-Grant of Takavi and Land Improvement Loans for wet and dry cultivation - Maximum amounts for.

-=-=-=-

It has been represented to Government that the Takkavi loans sanctioned for reconditioning the lands for wet cultivation is not sufficient as the cost on this account comes to about Rs.300/- per acre. Government is therefore pleased to direct that there should be only two limits in regard to grant of takkavi and land improvement loans for reconditioning of land viz(a) for lands entitled to perrinial irrigation i.e., lands on which paddy and sugar cane can be grown and (b)for lands entitled to irrigated for dry crops only. Takavi and land improvement loans may be granted for the above purpose up to the following limits.

(1)for lands entitled perennial irrigation not exceeding Rs.300/- per acre.

(2)for irrigated dry lands not exceeding Rs.100/- per acre.

The Divisional Commissioner's are authorised to relax the above limits in deserving cases where special considerations warrant such relaxation.

The above instructions should be followed in all the areas in the State.

Sd/=B.T.Nayak,
Under Secretary to Government.
Revenue Department.

D.Dis.9254/58-A1. Office of the Deputy Commissioner,
Bellary,dated, 10th Sept.1958.

Copy communicated to the Assistant Commissioner of Hospet and Bellary all the Tahsildars and the Deputy Tahsildar, Nallapuram and the B.D.Os. for information and guidance.

Sd/-M.M.Thomas,
For Deputy Commissioner.

Amended Mysore Irrigation(Levy of Betterment Contribution) Rules 1961.

Mysore

Date of commencement of the work	Date of completion of the work.	three year's average price per acre, Preceding the commencement of the work.	3year's average price per acre after the completion of the work.	Difference of Cols.5 & 4.	Betterment contribution per acre 50% of col.6.	Name of the village.	Revenue assessment group in the village.
		Rs	Rs	Rs	Rs		
2	3	4	5	6	7	8	9
28-2-45	Dec.56	80	3,000	2,920	1,460	Kampli	0-9-0
28-2-45/28-3-45	-do-	50	2,250	2,200	1,100		0-6-0
-do-	June 59	200	2,000	1,800	900	Tekkalakota	0-14-0 & more than 0-14-0
-do-	-do-	70	1,000	930	465		Less than 0-14-0
-do-	Aug.1956	200	1,100	900	450	Byrapura	0-14-0
-do-	May 1957	250	1,500	1,250	625	Boggur	1-2-0
-do-	Aug.1954	55	1,000	945	478	Basarakodu	1-2-0
-do-	Dec. 1956	80	1,000	920	460	Kampli	0-90
-do-	June 1959	200	800	600	300	Tekkalakotta	0-14-0 & more than 0-14-0
-do-	--do--	70	600	530	265		Less than 0-14-0
-do-	--do--	200	900	700	350	Byrapura	0-14-0
-do-	Sept.1956	50	600	550	275	Gottur	1-2-0
-do-	Oct.1955	35	400	365	183	Mustagatta	0-9-0
do-	Dec.1956	80	800	720	360	Kampli	0-9-0
do-	-do-	50	500	450	225		0-6-0
-do-	June 1959	200	600	400	200	Tekkalakota	0-14-0 & more than 0-14-0
do-	---do--	70	400	330	175		Less than 0-14-0
do-	Aug.1956	200	500	300	150	Byrapura	0-14-0
do-	Sept.1956	50	600	550	275	Gottur	1-2-0

on (Levy of Betterment Contribution) Rules 1962 (contd).

ear preceding year in ter was .	Normal year after the completion of the work.	ash value of the gross produce.	Year.	Cash value of the gross produce	Gross produce for (cols.11 -13 (rate 10).	Cols.(13)-(14) = (15)	Land revenue (12) -(11) +(15)	Advance betterment to be realised of the col. (rate 10. 10).	Difference of the col. 17 (rate 10.	Betterment Levy per acre (i.e., 50% of col. 18.
11	12	13		14	15	16	17	18	19	20
75	1959-60	1,420	1953-54 1954-55		355-00	990-00	9900	--	9900	4950
50	1959-60	880	1955-56		220-00	610-00	6100	--	6100	3050
75	1960-61	1,225	-do-		306-25	843-75	8437	--	8437	4219
50	1960-61	875	-do-		218-75	606-25	6062	--	6062	3031
50	1959-60	1,050	-do-		262-50	737-50	7375	--	7375	[illegible]
32	1960-61	1,120	-do-		280-00	758-00	7580	--	7580	3790
50	1958-59	1,200	-do-		300-00	850-00	8500	--	8500	4250
50	1959-60	450	-do-		112-50	287-50	2875	--	2875	1438
75	1960-61	540	-do-		135-00	330-00	3300	--	3300	1650
50	1960-61	420	-do-		105-00	285-00	2850	--	2850	1425
50	1959-60	450	-do-		112-50	287-50	2875	--	2875	1438
50	1958-59	390	-do-		~~72-50~~ 97-50	242-50	2425	--	2425	1213
35	1959-60	360	-do-		90-00	235-00	2350	--	2350	1176
75	1959-60	150	-do-		37-50	37-50	375	--	375	188
50	1959-60	100	-do-		25-00	25-00	250	--	250	125
75	1960-61	150	-do-		37-50	37-50	375	--	375	188
50	1960-61	100	-do-		25-00	25-00	250	--	250	125
50	1959-60	100	-do-		25-00	25-00	250	--	250	125
50	1958-59	70	-do-		17-50	8-50	250	--	250	~~125~~

Sir,

Sub:- Betterment Contribution Levy Rule
Amendments to -

Two sets of modified Rules have been fr
for amending the existing Betterment Contrib
Rules. One is based on market value and t
other is based on gross produce. The Bette
Levy Officers were requested to furnish thei
marks on the two sets of Rules. From the repor
received from them it is seen that there has
an unanimous opinion among them that the basis gross p
duce is unworkable and the results are also
to a large extent. It appears that the bas
levying betterment contribution on the basis
gross produce has not been implemented elsew
and we are bound to get into series of diffi
if we are to adopt this method. The best c
appears to be to accept the basis of market
or where market value is not available from
it can be determined by some formul
The feasibility of fixing certain sp
rates with reference to crop pattern may als
thought of without the need to get into elab
process of calculation on the basis of exper

It has been decided to discuss the ques
of finalising the amendments to the Betterment Levy Rules i
meeting with the Dl. Commissioners and a rep
tative of Law Dept. You are therefore requ
to make it convenient to attend the meeting
11.00 A.M. on Monday the 4th February, 1963 in
chambers of the Secy. to Govt. F.D. (III Flo
Vidhana Soudha, Bangalore.

(PTO)

... are requested to come with all the relevan records and give a specific scheme acceptable legal and easy implementation.

Copies of the existing rules and two sets of d amendments referred to are ~~modifications~~ are also enclosed herewith for refere

Yours faithfully,

D.S., F.D. (I)

Accompts:- Three Rules.

Copies with copies of the Rules sd. to:-

~~Copy to:-~~

1) The Secy. F.D.
2) The By. Secy. I.D.
3) The Secy. Law Dept.

The Secy. Law Dept. is requested to kindly make it convenient to attend the meeting on 4-2-

D.S. F.D.-I

29

INDIAN POSTS AND TELEGRAPHS DEPARTM

SECRETARY TO GOVERNMENT No T 259 1-FEB 1963 PUBLIC WORKS & ELEC. DEPT.

MYSORE GOVT. SECRETARIAT No 866 2 FEB 1963 P.W.D. (GENERAL IRRIGATION)

Received B. No.

From Sent at Circuit Number

By To

By

Date-stamp

X NA 5 GULBARGA R S 1 STE 51 SECRETARY
PUBLIC WORKS DEPARTMENT BANGALORE ---
RELET PWD 137 GIG 62 30TH JANUARY (.)
EGRET INABILITY TO ATTEND MEETING ON FOURTH
BRUARY AS CHIEF MINISTERS TOUR IN THIS
SION EXPECTED ON FOURTH FEBRUARY ONWARDS
A DATE AFTER 13TH FEBRUARY WILL BE CONVENINEN

Note—Enter time
MGIPN 368 P&T N (.)---- GULDICOM --- LN 88

What meeting is this?

1/2 DS(1)

Shri SV
1/2/63
This meeting is in the chamber of the Secy F.D to discuss Debt Consol Scheme. Long rules. The meeting was fixed on 4th ... So

Members present:-

1) The Divisional Commissioner, Bangalore.
2) The Divisional Commissioner, Mysore.
3) The Secretary to Govt. P.W.&.E.
4) The Dy. Secretary to Govt. Law Dept.
5) The Dy. Secretary to Govt. Finance Dept.
6) The Dy. Secretary, to Govt. P.W.D. (Irrgn.).

*****

The remarks of Betterment Levy Officers based on a few sample cases worked out by them on the two sets of Rules that were framed viz., one on the basis of gross produce and the other on the basis of market value, were gone through. The Divisional Commissioner Mysore stated that levy of Betterment Contribution based on the gross produce is more scientific and there should be no objection for its adoption. It was pointed out that Betterment Levy Rules based on gross produce ~~can be~~ is workable only after conducting crop cutting experiments on the fields and ascertaining the standard yields per acre of different crops in the several areas of the State and this would take two to three years and even then the levy is subject to disputes. ~~The Divisional Commissioner, Bangalore~~ It was felt that both the sets of Rules now framed are cumbersome and difficult for implementation in actual practice. ~~He said that~~ and therefore it would be desirable to levy betterment contribution on a flat rate basis. ~~The Secretary, PW&E stated that~~ The levy of contribution based on market value ~~might not be correct~~ may not give correct results as in ~~some~~ many cases under Tungabhadra Project, the value of the land itself has not been appreciated for a number of years. Moreover, the sale statistics to be obtained in the Sub-Registrar's offices cannot be taken as real, as in most cases the lands would have been undervalued by the persons with a view to reduce the expenditure on stamps and registration fees. ~~He reiterated his original~~

stand that the gross produce method is the only rational and scientific method for the levy of contribution.

After a general discussion on the subject, it was felt that both the sets of rules are not simple for impl mentation and that they would require a heavy organisation for purposes of evaluation and collection of better ment contribution. ~~The Divisional Commissioner, Mysore~~ It was brought to notice ~~stated~~ that during the recent tour of the Chief Ministe in Mysore Division, people had come forward to give the betterment contribution in advance, in case Government were to sanction and take up irrigation projects in this area as even from the point of view of advance collection ~~He further stated that taking this fact into account,~~ it would be desirable to levy betterment contribution on a flat rate basis. It was suggested that betterment contribution might be levied on the following basis:-

Sugarcane	..	Rs.1,000 per acre
Paddy	..	Rs. 750 per acre
Irrigated dry crops..		Rs. 350 per acre

It flat rates are accepted

~~The Deputy Secretary, Law Department stated this procedure was in no way against the Constitu cept that the present~~ the Levy of Betterment Contribu Water Rate Act 1957 ~~should be amended suitably.~~ requires suitable amendments

~~felt~~ Members view that the last method, viz. levying contribut flat rate basis mentioned above was the simplest could be very easily implemented. Moreover, the advantage in this method is that it does not need rate organisation for its implementation. It was that this subject should be put up to the Cabinet Committee on ~~Agricultural Production~~ Agriculture Irrgn. & Power Projects and thereafte Cabinet for their approval.

Draft Note for the consideration of the Cabinet Sub-committee for ~~Assessment of productive~~ Major Irrgn. & Power Projects.

~~RAFT CABINET NOTE~~ - BETTERMENT LEVY RULES

The Mysore Irrigation (Levy of Bettermen ribution and Water Rate) Act 1957 has come in rom 1-9-1960. Rules for the levy of betterm ribution based on gross produce were also iss rought into force on 23-3-1961. ~~5~~ Five Bettermen fficers were also appointed for assessing the ent levy contribution under the several major edium irrigation projects in the State. In ourse of the actual implementation of the Rul etterment Levy Officers felt several practica ulties because the assessment of betterment l he basis of gross produce ~~to~~ of land was rend icult in the absence of reliable statistics i o the standard yield per acre of different cr he several areas of the State. The Director ulture who was expected to furnish these stat equired, could not give information. The Ru lso defective in certain respects. It was t ecided to modify the Rules in the light of th ience gained by the Betterment Levy Officers. t was felt that the finalisation of the levy ould take appreciable time, orders of Govt. w d to retrench the B.L.Os. and their establish orarily w.e.f. 1-2-63.

Two sets of amended Rules were f n gross produce and the other based o hese two sets were forwarded to the B. omments. The B.L.Os. worked out a f ased on the two sets of Rules and fur emarks to Government. The remarks ere considered in a meeting held in t he Secy. to Govt. F.D. on 4-2-63 ~~with~~ when f B'lore and Mysore, Secy. to Govt. P ecretaries to Govt. Law Dept. & Finan

present. The betterment levy rules based on
s produce is more scientific and there should
o objection for its adoption. But these rules
are workable
~~be workable~~ only after conducting crop-cutting
riments on the fields and ascertaining standard
ds per acre for different crops in the several areas in the state and
would take 2 to 3 years as even there after the de
Till then, it is not
ible to assess the betterment contribution and
ise the revenue in this behalf. The easier mod
asing the levy on the market value of the land
ot be recommended since in certain areas where
projects have or are being constructed and irrigation
not developed, the market value will not reflect the
increase in the capital value. Moreover, the sales
stics to be obtained in the Sub-Registrars' offices
t be taken as real, as in most cases the lands could
been under-valued by the persons with a view to reduce
xpenditure on stamps and registration fees.

It is felt that both sets of rules mentioned above
umberscme and difficult for implementation in actual
ice. Besides, they would require a heavy organisation
urposes of evalution ~~of~~ and collection of betterment contri
ns. It is learnt that during the recent tour of the
Minister in the Mysore Division, ~~and~~ people had come
rd to give betterment contribution in advance, in case
ment were to sanction and take up irrigation projects
a hs

should be amended suitably. It is felt that t method viz., levying contribution on a flat rate basis as mentioned above is the simplest one ar can be very easily implemented. Moreover, the greatest advantage in this method is that it dc not require elaborate organisation for its impl mentation.

The subject is put up for the consideration of the Cabinet Sub-Committee Power Projects for approval to th method suggested above, for fixing betterment co tribution under various projects.

GOVERNMENT OF MYSORE

G. V. K. Rao, I. A. S.
Divisional Commissioner,
Belgaum Division.

Dated 1-2-4 Feb. *196* 3

MYSORE GOVT. SECRETARIAT
No. 950
6 FEB 1963
P. W. D. (GENERAL ADMINISTRATION)

D.O. No. GB/IRR. SR-126.

SECRETARY TO GOVERNMENT
No D.O. 111 G.9
4 FEB 1963
PUBLIC WORKS & ELEC. DEPT.

Dear Sri Fernandez,

Sub :- Betterment Contribution Levy Rules.
Amendments to....

Please refer to your letter No. PWD137-GI9-62 dated 30- 1-1963 on the above subject requesting me to attend the meeting at 11-00 A.M. on Monday the 4th February 1963 at Bangalore. I would have very much liked to attend this meeting, but I have fixed up meetings of the Ghataprabha Working Group and the Ghataprabha Advisory Board on the 5th February 1963 at Dhupdal. This is to be preceded by inspection for 2 days. This programme has been fixed up long back, and intimated to a number of officers and non-officials. It would cause considerable inconvenience to them if I were to call them off at the last moment. In view of this, I am sorry I will be unable to attend the meeting at Bangalore.

2. I have already communicated my views on betterment contribution levy in my letter No. even - dated 5-12-1962(copy enclosed). I would suggest that a fairly simple and workable formula, somewhat like what was followed under the Vishveshvarayya Canal, may be adopted.

Yours Sincerely,

(G.V.K.Rao.)

ari P.J.Fernandez, I.A.S.
ecretary to Government,
ublic Works Department, Bangalore.

The memorandum on the Miscel. has
been submitted to the Cabinet minister
The return of the file covers P.K.

SECRETARY, PUBLIC WORKS DEPARTMENT,
BANGALORE

1963

REQUEST NO.PWD 137 GIG 62 DATED 30TH JANUARY (.)
REQUEST INABILITY TO ATTEND MEETING ON FOURTH FEBRUARY
AS CHIEF MINISTER'S TOUR IN THIS DIVISION EXPECTED
ON FOURTH FEBRUARY ONWARDS.(.) A DATE AFTER 13TH
FEBRUARY WILL BE CONVENIENT (.) GULDICOM

Office of the
Divisional Commissioner
Gulbarga.
1st February 1963.

Copy in confirmation forwarded to the Secretary to Government of Mysore, Public Works Department, Vidhana Soudha Bangalore.

factory as given, the increase in income can be [illegible] and can be assessed easily, because the income so der would be benefits. Though this is done in an ad-hoc manner, the cultivator can understand the method of a -ment and would readily accept it with a count of sacrifice for it. He would thus be aware of an obligat in him to pay the B.L. contribution on account of the increase in income which he enjoys under the irrigati facility provided by the State.

After thus determining the increase in value o benefit derived and fixing rates of betterment accor according to groups of lands on the basis of soil val objections should be called for and heard by the Bett Levy Officer and an award passed. An appeal should li against it to the Divisional Commissioner. Such a lev would be applicable to the entire project.

An alternative suggestion would be to declare the B.L contribution in terms of multiples of assessment. For this purpose the lands have to be grouped as (1) lig soils (2) medium soils and (3) Black soils. On the ba of the crops grown before and after the irrigation fo the increase in yield can be ascertained in an ad-ho manner and then be expressed in terms of multiples of assessment. For example, if on a land assessed at say 4 annas per acre, the irrigator is growing 6 bags of now as against 1 or 1½ bags of Jowar which he used to got before, the increase in income would be Rs 140/- t the value of the produce before and after, at Rs 40/- Rs 180/- respectively. Thus, for one rupee o the asse the increase in income would be Rs 500/- After deducti thereout the expenses of cultivation and the expenses the irrigators conveniences a betterment contributio equal to about 100 to 150 times the assessment can b fixed for the light soil lands. Similarly it can be proposed for medium and black soils referred to abov

I would, therefore, suggest that the matter may reconsidered with a view to envolving some simple and workable set of rules. I would also suggest that the matter may be considered at a meeting with the Finance Secretary, Revenue Secretary and the Divisional Commis- -ioner.

Yours sincerely,

CABINET NOTE

Subject:- C.87/63. Betterment Levy Rules.

....

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 has come into force from 1-9-1960. Rules for the levy of betterment contribution based on gross produce were also issued and brought into force on 23-3-1961. Five Betterment Levy Officers were also appointed for assessing the betterme levy contribution under the several major and medium ir gation projects in the State. In the course of the act implementation of the Rules, the Betterment Levy Office felt several practical difficulties because the assessm of betterment levy on the basis of gross produce of lan was rendered difficult in the absence of reliable stati tics in regard to the standard yield per acre of differ crops in the several areas of the State. The Director Agriculture who was expected to furnish these statistic required, could not give information. The Rules were also defective in certain respects. It was, therefore, decided to modify the Rules in the light of the experie gained by the Betterment Levy Officers. Since it was f that the finalisation of the Betterment levy Rules woul take appreciable time, orders of Government were issued retrench the Betterment Levy Officers and their establi ments temporarily, with effect from 1-2-1963.

2. Two sets of amended Rules were framed, one based o gross produce and the other based on market value. The two sets were forwarded to the Betterment Levy Officers for their comments. The Betterment Levy Officers worke out a few sample cases based on the two sets of Rules a furnished their remarks to Government. The remarks of these Betterment Levy Officers were considered in a meet ing held in the Chambers of the Secretary to Government, Finance Department on 4-2-1963 when the Divisional Commi sioners, Bangalore and Mysore, the Secretary to Governme Public Works and Electrical Department and the Deputy Se cretaries to Government, Law Department and Finance Depa ment, were also present. The Betterment Levy Rules bas on gross produce is more scientific and there should be no objection for its adoption. But these Rules are wor ble only after conducting crop-cutting experiments on th fields and ascertaining standard yields per acre for different crops in the several areas in the State and this would take two to three years and even thereafter the decision is bound to come under dispute. Till then, it is not possible to assess the betterment contribution and realise the revenue in this behalf. The easier mode of basing the levy on the market value of the land canno be recommended since in certain areas where new projects have or are being constructed and irrigation has not developed, the market value will not reflect the real increase in the capital value. Moreover, the sales statistics to be obtained in the Sub-Registrar's offices ca be taken as real, as in most cases the lands would have been under-valued by the persons with a view to reduce the expenditure on stamps and registration fees.

3. It is felt that both sets of Rules mentioned above are cumbersome and difficult for implementation in actua practice. Besides, they would require a heavy organisat for purposes of evaluation and collection of betterment contributions. It is learnt that during the recent tour

of the Chief Minister in the Mysore Division, neep come forward to give betterment contribution in ad in case Government were to sanction and take up ir projects in that area. Taking into account this f it would be desirable to adopt a simpler method co betterment contribution on a flat rate basis. It gested that the contribution might be levied on th ing basis:-

Sugarcane	..	Rs.1,000 per acre.
Paddy	..	Rs. 750 per acre.
Irrigated dry crop.	..	Rs. 350 per acre.

4. This procedure is constitutional except th t present Levy of Betterment Contribution and Water 1957 should be amended suitably. It is felt that method viz., levying contribution on a flat rate b as mentioned above is the simplest one and can be easily implemented. Moreover, the greatest advant this method is that it does not require elaborate tion for its implementation.

5. The opinion of the Law Department is re-produ below:-

> "It is presumed that the value of the differe categories of land subject to payment of bet terment contribution will be more than the contribution proposed to be levied thereon".

6. The opinion of the Finance Department is also produced below:-

"The presumption of the Law Department may be The rates suggested will be below the market value lands. The betterment levy now proposed deals onl Major and Medium Irrigation Projects. Major Irri Schemes are those which cost more than Rs.5 crores and Medium Irrigation Projects are those which co between Rs.10 lakhs and Rs.5 crores each. The tot penditure already incurred and that will now be in red on these schemes till the end of the Third Fiv Year Plan is as follows:-

To the end of First Plan.	Rs.37.28 crores (inclu Tunga-Bhadra)
Second Five Year Plan	Rs.63.96 crores
Third Five Year Plan (Plan provision).	Rs.40.66 crores.
	Rs.141.90 Crores.

The extent of land to be brought under cultiv at the end of Third Five Year Plan (Potential) is lakhs acres. Making a little allowance for diffic in cent per-cent realisation, the definitely antic area that will come under irrigation is 11.65 lakh made up as follows:-

If the betterment levy is charged at the rates as proposed in the Cabinet Note, the figures, when worked out, will be as follows:-

Sugarcane	- @ Rs.1,000 per acre - 1.69 lakhs x 1,000	= Rs.16.90 crores
Paddy	- @ Rs. 750 per acre - 2.95 lakhs x 750	= Rs.22.25 crores
Irrigated Dry Crops.	- @ Rs. 350 per acre - 7.01 lakhs x 350	= Rs.25.00 crores
	Total	Rs.64.15 crores

,roughly Rs.64 Crores.

If we recover this amount over a period of 20 years, the annual amount recovered will be Rs.3.20 crores.

7. It will be seen from the above figures that although prima facie the figures may look very big, annually we get Rs.3 crores which works to about 2% on the capital invested. Taking into account the fact that every year we recover Rs.3 crores, the accrual rate will be less than 3%(which will of course not be realise This is recorded only to show that the rates proposed as betterment levy are much less than reasonable.

8. The Cabinet may think that there will be water rate in addition to the above.- The water rates now proposed and which are before the Cabinet for consideration are a follows:-

Sugarcane ---	Rs.75 per acre
Paddy ---	Rs.30 per acre
Irrigated Dry Crop	Rs.15 per acre.

In case the Cabinet approves these rates, the annual income from the water rates under these projects at the end of the Third Five Year Plan will be as follows:-

Sugarcane	- 1.69 lakh acres	x 75	=	127	lakhs
Paddy	- 2.95 " "	X 30	=	90	"
Irrigated Dry crop	-7.01 " "	x 15	=	105	"
			Total	322	"

Roughly, Rs.3.20 crores.

Taking betterment levy and water rates together, the annual income will be about Rs.6.20 crores roughly, for a period of 20 years, after which betterment levy ceases. It should be noted here that the figures worked out are to be achieved at the end of the Third Five Year Plan. For this, we will have to spend at least another Rs.10 crores for constructing Field Channels and we have already sanctioned Rs.4 crores. This amount will have to be found by us in addition to the Rs.141 crores; i.e., our expenditure on the Major and Medium Irrigation Schemes will be roughly Rs.150 crores, giving us an annual return of Rs.6 crores for the next 20 years which will give us roughly 4%. All this is

ll this is recorded to show that the rates proposed
or betterment levy are very reasonable and so also t
ater rates proposed.

. The above figures do not include the maintenance
harges and the servicing charges and when all these
educted, our percentage return on investment may be
%% as against 4½% the State Government is paying to
overnment of India.

). At the end of the Third Five Year Plan the Stat
overnment will have paid roughly Rs.40 crores as int
lone to the Government of India before we start real
ything substantial by way of betterment levy and wa
ates.

. From the above figures it will be clear that
as been proposed as betterment levy and water rates
re very meagre and have no relation to the return on
apital; but we are only trying to get a small perce
f the money spent. The water rates problem has bee
pecially linked up with the betterment levy so that
ctual implication may be seen especially in view of
iscussion that took place in the Council when the wa
ates were discussed recently".

2. The subject is put up for the consideration of
he Cabinet for approval to the method suggested abov
or fixing betterment contribution under various proj
t the rates proposed in para 3 above.

(H.B.Murarappa)
for Secretary to Government,
P.W.Department.

Case No. 1429

132(a)

Decision taken at the Cabinet meeting held on 16.4.1963 pertaining to the P.W.D.

---

1. The Secretaries to Government and the Heads of Departments should discuss and formulate proposals to cut down expenditure in their Departments, by 10% in consultation with the concerned Ministers. The money thus saved should be utilised for the execution of Major and Medium Irrigation Projects in the State.

2. A final decision on the question of having uniform Water Rates, which is now before the Cabinet, should be taken within a month's time.

3. The Cabinet has already taken a decision in respect of Betterment Levy Rates. The Betterment Levy Rules, in accordance with the Cabinet decision, should be finalised within 15 days' time. An Under-Secretary or a Superintendent of the P.W.D. should be deputed to the Law Department in order to get the rules finalised within the time limit fixed above.

4. The Law Department should be requested to get the Draft Irrigation Bill finalised as early as possible. The provision made therein for levying penalty for unauthorised cultivation may be reviewed keeping in view the procedure in vogue in the neighbouring States.

5. It was suggested that only such number of Minor Irrigation Works should be taken up in a taluk or in a group of villages that can be completed in all respects as early as possible. In other words, instead of taking works all over the State and executing them slowly, it is desirable

(VEERENDRA PATIL),
Minister for Public Works.

These points as well as others included in the Cabinet Resolution dated 16.4.63 may please be pursued

PWD 2832/MJ63

132(b)

1479
20 APR 1963

to concentrate on a few works and complete them before starting fresh works.

It is estimated that by effecting 10 per cent cut in other Departments, we may be able to procure about Rs 3 crores. By levying Betterment Contribution and Water Rates, we may be able to get about Rs 2 crores each i.e. Rs 4 crores. We may get another Rs 2 crores by collecting arrears due to Government from the various Municipalities etc. So in all we may get about Rs 9 crores which can be made available to the P.W.D. for executing the Major and Medium Irrigation Projects during the current year, in addition to the present provision of Rs 6.25 crores. It was also suggested that the Government of India will have to be addressed for financial help for the execution of Upper Krishna and Malaprabha Projects.

16.4.63

Secy. to Govt.
W.D.(I)

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Act, 1963.

***

An Act to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 and the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amended Act, 1961.

-- f --

Whereas it is expedient to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957); and the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) amended Act 1961 (Mysore Act No.23 of 1961).

Be it enacted by the Mysore State Legislature in the fourteenth year of the Republic of India as follows: -

1. Short Title - This Act may be called THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) AMENDMENT ACT 1963.

2. Amendment of Section 2 - In Section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957) (hereinafter referred to as the Principal Act) -

In clause (e) of sub-section (1), the following

(1) Add the following sub-clauses in clause (e) of Sub-section (1) -

shall be added, namely: -

(iv) Major Irrigation Project ~~is an irrigation work~~ costing more than Rs.5 crores;

(v) Medium Irrigation Project ~~is an irrigation work~~ costing between Rs.10 lakhs and Rs.5 crores.

(vi) Minor Irrigation Project ~~is an irrigation work~~ costing Rs.10 lakhs or less.

3. Amendment of Section 4 In Section 4 of the Principal Act, -

Substituted

(1) for Sub-section (1), the following clause shall be substituted, namely: -

"(1) Subject to such rules as may be prescribed by Government, the Deputy Commissioner shall determine the contribution payable in respect of each of the lands mentioned in Section 3, after taking into account the type of crop grown or to be grown on such lands or the classificat

f the Project, whether Major and Medium or minor, under hich such lands are irrigated:

Provided that the contribution shall in no case xceed the value of the land subject to payment of etterment contribution;

(2) Sub-section (2) shall be omitted.

(3) Subsection (3) and (4) may be read as ub-sections (2) and (3), wherever they occur.

4. Section 3 of the Mysore Irrigation (Levy of etterment Contribution and Water Rate) Amended Act 1961 hall be omitted.

5. Sections 4, 5, 6 and 7 of the Mysore Irrigation Levy of Betterment Contribution and Water Rate) Amended t 1961 may be read as Sections 3, 4, 5 and 6 respectively.

Draft Rules.

1. These rules may be called THE MYSORE IRRIGA
VY OF BETTERMENT CONTRIBUTION) RULES 1963 (REVISED
shall come into force from the date of publicatio
of these Rules in the Mysore Gazette.

2. In these rules, unless the context otherwis
requires -

(i) 'Act' means the Mysore Irrigation (Levy o
Betterment Contribution and Water Rate) A ct 1957,
amended Act 1961 and amended Act 1963./1964.

(ii) 'Form' means a form appended to these rul

(iii) 'Section' means a section of the Act.

(iv) 'Tahsildar' includes Deputy Tahsildar.

(v) 'Year' means the year commencing from the
1st July of each year and ending with 30th June of the
succeeding year.

3 (a) The officer authorised by the Government
for determining the contribution under Section 4 of th
Act, shall, for the purpose of these Rules, be referre
to as the "Betterment Levy Officer"

(b) The Deputy Commissioner shall be, the Bette
Levy Officer in all cases in which the estimated cost
the work exceeds Rs. ten lakhs and in cases where the
work in question extends over more than one Sub-divisi
of the District.

(c) In all other cases, the Assistant Commissio
in charge of the Revenue Sub-Division shall be the
'Betterment Levy Officer'

Provided that

In respect of works which are situated in more t
one District or in case of special works situated in or
or more Districts, Government may appoint any other
officer as Special Deputy Commissioner or as Special
Assistant Commissioner, as the case may be, as Betterm
Levy Officer.

4. Government shall issue a notification in respect of every work which has been completed, th date of completion of such work, or in respect of work which is in the process of construction from the irrigation facility can be provided, the date which such facility is provided.

5. After the issue of the notification refe to in Rule 4, the Engineer in charge of the work s send to the Deputy Commissioner of the District a furnishing the following particulars:

(a) Name of the work
(b) Details of land situated in different villages; taluk/talukas including survey numbers, extent benefitted by the projects;
(c) The acreage benefitted ~~from~~ by the projec either fresh or with an additional water supply;
(d) Estimated cost of the project;
(e) Nature of the work, whether it is construction, alteration, expansion or restoration.

In the case of a work commenced or completed prior coming into force of this Act, the date of commenc or completion of the work shall also be furnished.

6. On receipt of these particulars, the Dep Commissioner of the District shall decide whether l to determine the contribution or whether the Assis Commissioner incharge of the Sub-division has to d The Deputy Commissioner may in special cases make a to Government through the Commissioner of Survey Se and Land Records, for appointment of special office determining the contribution.

7. The Deputy Commissioner shall publish i the fact of commencement of proceedings for the l betterment contribution by the Betterment Levy Of in respect of the work concerned.

8. The rate of Betterment contribution is fixed on the following basis:

(i) Major & Medium Irrigation Projects -

(i) Major & Medium Irrigation Projects:

Sugarcane	Rs.1000 per acre.
Paddy	750 per acre.
Irrigated dry crop	350 per acre.

(ii) Minor Irrigation Projects:

~~Flat rate of~~ Rs.400 per acre.

9. After the rate for Betterment Contributio is fixed in this manner, the Betterment Levy Office shall cause its publication in the official Gazette and by a notice in Form No.II in the village Chavad any other public place in each village in which the benefitted by the work are situated. The fact of s publication shall be announced by tom tom in each s village. On a duplicate copy of the notice, the vi officer shall furnish a certificate of publication attested at least by two witnesses who are land-hol affected by the levy.

10. Suggestions or objections against the ra specified in the notice shall be preferred in writi to the Betterment Levy Officer within thirty days fr date of publication of the notice.

11. The Betterment Levy Officer shall conside suggestions and objections received, and after givi an opportunity to the parties concerned to be heard, finally decide the rate of betterment contribution leviable under the Act. He shall briefly record in formal order for each class of lands or for each re benefitted by the irrigation work, the suggestions a objections received by him and the basis on which t rates of Betterment Contribution were finally fixed him. The order shall be made on a date and at a pla to be specified and intimated to the parties concer The rates fixed under this order shall be published Form III in the official Gazette and in the Village/ villages concerned in the manner specified in Rule

~~Betterment Contribution made on appeal shall be notified~~ by the Betterment Levy Officer in the official Gazette and in the villages concerned in Form IV and also communicated to the Tahsildar concerned.

17. The officer authorised to issue the notice of demand prescribed under Section 5 shall be the Tahsildar in whose jurisdiction the land benefitted is situated and the notice shall be in Form V. It shall be served personally on the land-holder and if he cannot be found, on any adult male member of his family residing with him, or by affixture at his last known residence, or sent by registered post to his last known address.

18. The annual instalment of Basic Betterment Contribution shall be paid in cash (where the contribution is payable in cash) on or before the 30th ~~June~~ April. Interest shall be charged at 6% per annum on the amount of arrears of contribution. The Basic Betterment Contribution and the interest thereon shall be recovered as arrears of Land Revenue.

19 (1) Such of the land holders as desire to surrender the whole or any part of their land under Section 6 of the Act shall make an application to that effect in writing to the D.C. Betterment Levy Officer within 30 days from the date of service of notice of the final order fixing the contribution.

(2) The land holder shall state in the application:

(a) The village in which the land is situated;
(b) Survey No. and measurement of the land and the assessment fixed in respect of the land;
(c) The price of the land as calculated by the land holder;
(d) The amount of betterment contribution leviable in respect of the land; and
(e) If the land-holder wishes to surrender any part of the land, the measurement of such part and the price of such part as calculated by him.

(3) The Betterment Levy Officer on receipt of the application shall ascertain the price of the land, or part of the land as the case may be, with reference to the statistics of sales of similar land in the neighbourhood and also with reference to the increase in capital value

of land, as determined under the Rules mentioned abov

20. The Betterment Levy Officer shall then not the fact of surrender of lands with details by means notice in the village Chavadi, or any other public pl in the village and the fact of such publication will be announced by tom tom in the village or villages concerned and on the duplicate copy of the notice the village officers shall furnish a certificate of publi attested at-least by two witnesses who are residents the village.

21. Objections, if any, regarding the lands proposed for surrender shall be preferred in writing to the Betterment Levy Officer within sixty days from date of publication of the notice.

22. The Betterment Levy Officer shall consider objections received and finally decide on the applicat for acceptance of surrender.

23. The Betterment Levy Officer may refuse to accept the surrender of land in the following cases:

(i) Lands not irrigable or localised under the irrigat work.

(ii) Where the land offered for surrender is a fragmer or where its acceptance results in fragmentatic a holding and is prohibited under any law for t time being in force relating to consolidation c prevention of fragmentation of holdings and whe no such law is in force, the land offered for surrender or the extent left over in a survey number after such surrender is less than the minimum notified for each district or portion o a district by Government.

(iii) In case where no objection is received under Rul but where the Betterment Levy Officer has reaso to believe that the land is not free from encumbrances.

APPENDIX.

FORM I

(See Rule 7)

Notification of the commencement of Betterment Levy Proceedings.

It is hereby declared under Rule No.7, for the information of all concerned, that the proceedings for the levy of betterment contribution are being commenced by the Betterment Levy Officer/Revenue Sub-Division Officer .... in respect of the work, a brief description and relevant particulars of which are given in the schedule.

Schedule.

i) Name of the work.

ii) Nature of the work.

iii) Date of commencement of the work.

iv) Date of completion of the work.

v) Details of the lands benefitted by the work and its crop, Taluk and Village Survey Numbers.

APPENDIX.

FORM ~~II~~

(*See* Rule ~~16)~~ 9)

Notice announcing the tentative rates of Betterment Contribution under Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 19

Name of Work	Village or villages in which the lands are situated.	Class of lands	Survey numbers and other particulars of the lands.	Extent of the lands.	Rate of Betterment Contribution per acre.
1	2	3	4	5	6

Notice is hereby given that the lands mentioned above have been benefite the irrigation work and that it is proposed to fix the Betterment Contributi respect of those lands at the rates mentioned in column (6) and that any pe owning the lands mentioned above or otherwise interested in such lands may to the Betterment Levy Officer his suggestions or objections within thirty days the date of the publication of this notice.

Betterment Levy Officer.

Published on

Certified that the notice was published on the date specified above i village chavadi or ..... of ..... village and annou in the village by *tom-tom*.

Village Headman

Karnam

Two witnesses

28. Objections, if any, regarding the lands proposed for surrende: nall be preferred in writing to the Betterment Levy Officer withir nirty days from the date of publication of the notice.

29. The Betterment Levy Officer shall consider the objection: ceived and finally decide on the application for acceptance o irrender.

30. The Betterment Levy Officer may refuse to accept th irrender of land in the following cases :—

(i) lands not irrigable or localised under the irrigation worl

(ii) where the land offered for surrender is a fragment, o: here its acceptance results in fragmentation of a holding and is ohibited under any law for the time being in force relating to con lidation or prevention of fragmentation of holdings and where no ch law is in force, the land offered for surrender or the extent left er in a survey number after such surrender is less than the minimum otified for each district or portion of a district by Government.

(iii) In case where no objection is received under Rule 28 but here the Deputy Commissioner has reason to believe that the land not free from encumbrances.

APPENDIX.

FORM III

(*See* Rule ~~10~~ 11)

Notice intimating the rates of Betterment Contribution as finally determined ler the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) ;, 1957.

Intimation is hereby given that the rates of betterment contribution specified ow have been finally determined under Section 4 of the Act.

Village or villages in which the lands are situated.	Class of Lands	Survey Number or other particulars of the lands.	Extent of Lands	Rate of Betterment Contribution payable.	Remarks
2	3	4	5	6	

FORM ~~III~~ IV

(See Rule ~~23~~) 16)

Notice intimating the rates of betterment contribution modified under rule 2 of the Mysore Irrigation (Levy of Betterment Contribution) ~~Rules~~ Act, 1957.

Intimation is hereby given that the rates of betterment contribution determined by the Betterment Levy Officer under Section 4 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rates) Act, 1957, and published at pages..... of the *Mysore Gazette*, dated.....have been modified by Deputy Commissioner Divisional Commissioner as specified below :—

Name of work	Villages in which the lands are situated.	Class of lands	Survey number or other particulars of the lands.	Extent of lands	Rates of betterment contribution fixed by the Betterment Levy Officer.	Rates of betterment contribution as modified.	Remar
1	2	3	4	5	6	7	8

Place.....

Betterment Levy Officer.

Dated.....

Published on..... .....

Certified that the notice was published on the date specified above in the village chavadi or..... . .....of..... ..village and announced in the village by tom-tom.

Village headman

Karnam

Two witnesses. (1) ... .

(2) ....

APPENDIX

FORM ~~IV.~~ V

(*See* Rule ~~24.~~ 17)

Notice of demand for Betterment Contribution under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

To

Shri

Patta No.

Village.

Take notice that in respect of your land/lands, particulars of which are given below, a Betterment Contribution as specified therein has been determined and that you should pay the amount due in 20 annual instalments commencing from The instalment shall be payable on the first of each year. You have the option to pay the entire amount in two years from the date of service of this notice in which case you will be allowed a rebate of ten per cent.

Name of Work	Survey Number or other particulars of the land	Extent	Class fixed for Betterment-contribution.	Amount of Betterment - contribution fixed.	Amount of Contribution, if any previously paid to Govt.	Balance of Betterment contribution payable.	Amount of annual instalment.	Remarks
1	2	3	4	5	6	7	8	9

Place.....

Date.....

~~Betterment Levy Officer.~~

Tahsildar

SCHEDULES.

SCHEDULE I

(i) Sugarcane.
(ii) Paddy.
(iii) Plantain.

SCHEDULE II

(i) Jawar.
(ii) Ragi.
(iii) Potato.
(iv) Onion.
(v) Chillies.
(vi) Ground-nuts.
(vii) Cotton.
(viii) Any other crop, not being a monsoonal crop.

By Order and in the name of the Governor of Mysore,

R. SRINIVASAN,
Secretary to Government,
Public Works Department.

IE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1963.

A Bill further to amend the Mysore Irrigation (Levy of betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957);

BE it enacted by the Mysore State Legislature in the Fourteenth Year of the Republic of India as follows:-

1. Short title.- This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1963.

2. Amendment of section 3.- In section 3 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act), -

(i) for the words "The Government shall be entitled to levy a betterment contribution in accordance with the provisions of this Act, from the landholder or holder of any land which, in its opinion, is benefited", the words and brackets "There shall be levied a land tax (hereinafter referred to as betterment contribution) in accordance with the provisions of this Act from the landholder or holder of any land, which, in the opinion of a prescribed officer is benefited" shall be and shall be deemed always to have been substituted;

(ii) after Explanation II, the following explanation shall be and shall be deemed always to have been inserted, namely:-

"Explanation III.- In this section 'Government' shall be deemed to include the authority established under section 66 of the Andhra State Act, 1953 (Central Act 30 of 1953

3. Substitution of new section for section 4.-

For section 4 of the principal Act, the followi section shall be and shall be deemed always to have been substituted, namely:-

"4. Amount of betterment contribution.- (1) The betterment contribution levied under section 3, shall be, -

(i) one thousand rupees per acre in respect of land benefited by the availability of water perennially from any irrigation work other than a minor irrigation work;

(ii) seven hundred and fifty rupees per acre in respect of land benefited by the availability of water seasonally from any irrigation work other than a minor irrigation work;

(iii) four hundred rupees per acre in respect of land benefited by the availability of water occasionally from any irrigation work other than a minor irrigation work;

(iv) three hundred and fifty rupee per acre in respect of land benefited by the availability of water from a minor irrigation work:

Provided that betterment contribution sh not be payable in respect of uncultivable land:

Provided further that no landholder or holder of any land shall be liable to pay as betterment contribution in respect of such land any amount exceeding the difference between the market value of such land before the date of commencement of the construction, restoration,

expansion or alteration of the irrigation work, and the market value after the date of completion of such construction, restoration, expansion or alteration:

Provided also that for purposes of the preceding proviso the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded:

Explanation:- In this sub-section, -
(1) "a minor irrigation work" means a tank or other reservoir including the canals, channels, embankments, structures and installations connected therewith or auxiliary thereto which has been declared by the Government or a prescribed officer to be capable of irrigating not less than ten acres of land and not more than one thousand acres of land;

(2) a land shall be deemed to be benefited by the availability of water, -

(i) perennially, if water is made available to such land for not less than eleven months in a year either continuously or otherwise;

(ii) seasonally, if water is made available to such land for not less than five months either continuously or otherwise;

(iii) occasionally, if water is made available to such land for not less than one month either continuously or otherwise;

(2)(a) For purposes of sub-section (1)

and subject to the provisions of clause (b), a prescribed officer shall, by notification,

(i) specify the dates of commencement and completion of the construction, restorati expansion or alteration of any irrigation work, and the lands which in the opinion of t prescribed officer is benefited by such irrigation work and different dates of commenceme and completion of any irrigation work may be specified in respect of different lands benefited by the same irrigation work dependi upon the dates ~~mkxn~~ on which water is made available to such lands;

(ii) specify the benefited lands in respect of which water is available perennial seasonally or occasionally, as the case may b

(b) The Government may either suo motu or on application of any land holder affected by a notification issued under sub-clause (i) (ii) if satisfied that there is any error in any such notification, direct such modificati the notification as it deems fit and the notification shall be accordingly, modified.

(3)(a)(i) Any land holder ~~mkxn~~ who con that the amount of betterment contribution le on him in respect of any land is more than th amount payable by him under the second provi to sub-section (1) may object to such levy by an application made to the Deputy Commissione setting out the particulars on the basis of w he determines the valuation of the land befor date of construction, restoration, expansion

or alteration of the irrigation work and the particulars on the basis of which he determines its value after the date of completion of the construction, restoration, expansion or alteration of the work and such other particulars as may be necessary for a proper determination of the increase in value of the land.

(b) An application under clause (a) shall be made within a period of ninety days from the date of the notification under sub-section (2), in respect of such land and where notifications under clauses (i) and (ii) of the said sub-section are issued on different dates, from the date of the later notification.

(4) On the receipt of an application under sub-section (3), the Deputy Commissioner shall proceed to enquire into the objection and after considering the evidence adduced by the applicant and all other relevant factors, if he is satisfied that the increase in value is less than the amount specified in sub-section (1), make an order that the amount payable as betterment contribution by the applicant shall be an amount equal to the actual increase in value as determined by the Deputy Commissioner. If the Deputy Commissioner is not satisfied that the amount specified in sub-section(1) in respect of the land is more than the increase in value of the land he shall dismiss the application.

(5) The Government, or the landholder aggrieved by an order under sub-section (4), may

ithin the prescribed time appeal to the District ourt having jurisdiction over the area in which he land is situated and the District Court ay pass such orders on the appeal as he deems it.

(6) Any order passed by the District ourt on an appeal preferred to it under sub-ection (5) and subject to the orders aforesaid f the District Court, the orders of the Deputy ommissioner under sub-section (4) and if no bjection is preferred to the Deputy Commissioner nder sub-section (3), the amount specified in ub-section (1) shall be final and shall not be iable to be questioned in any court of law."

4. Amendment of section 5.- To sub-ection (1) of section 5 of the principal ct, the following proviso shall be added, amely:-

"Provided that no notice of demand shall be served on a landholder who has ade an application under clause (b) of sub-ection (2) questioning the correctness of he notification issued under sub-clause (ii) of he said sub-section, or who has made an pplication under sub-section (3) of section 4, ntil the application made by him is finally ecided."

PWD (GR)

A d.o. reminder ... p5/c

to C.E. I.P. is put up.

It may issue as from Secy
(The main file has been sent
to C.E. I.P.)
29
D-9-75

~~For appl.~~

~~DS~~
~~Secy(PWD)~~

~~24/9~~

For appl. to the dept
so (ltr to CE(IP)) put up.

Secy(PWD)

24/9

CE
23/9

DS.

24/9

The reply from the C.E. I.P.B.
has been received this PP. m
also placed in the main file
This may be kept in the relevant
file & given to the Subb

5/10

CHANDAPPA PATEL
Secretary to Government,
P.W. andElecy. Department

Dear Shri Magdum,

Subject:- A Bill to amend the Mysore Irrigation (Levy of Betterment contribution and water rate) Act. 19

Please recall the discussion we had at the meeting held on 13-8-1963 in the chambers of the Minister for Law. The meeting was intended to scrutinise the draft Bill to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 so as to enable the State Government to implement the decision of the Cabinet with regard to the levy of betterment contribution on crop-wise basis. . .

During the discussion you mentioned that the draft amendment to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 proposed would amount to investment of a right to grow a particular crop in a particular land on a permanent basis. In other words, it would perpetuate the localisation scheme which has not been considered a successful scheme. Your predilection was in favour of the block system of irrigation where,as you mentioned, a particular land is assigned for a particular crop in one year and another crop next year. It would be better if you had kindly suggested these things to Government in the form of a concrete proposal before the meeting of the Scrutinising Committee. However, I am desired to request you kindly to reduce your views in the form of concrete proposals :

State

(2) whether ~~the~~ a system of Betterment Levy could be envisaged ~~which might be made applicable~~ in such a manner as to be made applicable to the present system of irrigation and the system you envisage, as well.

This suggestion has been made in view of the fact that the enforcement of the Betterment Levy Provisions of the above mentioned Act cannot wait as the resources of the State have to be stepped up. This may kindly be treated as very urgent.

Shri I.M.Magdum,
Chief Engineer,
Irrigation Projects
B A N G A L O R E

C.174/63. PWD.137 GIG.62.

HE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) ORDINANCE, 1963.

An Ordinance further to amend the Mysore Irrigatio Levy of Betterment Contribution and Water Rate) Act, 195

WHEREAS neither the Mysore Legislative Assembly or the Mysore Legislative Council is in session and the overnment of Mysore is satisfied that circumstances exis hich render it necessary for him to take immediate actic o amend the Mysore Irrigation (Levy of Betterment Contri ution and Water Rate) Act, 1957 (Mysore Act No.28 of 195

NOW, THEREFORE, in exercise of the powers conferre y clause (1) of Article 213 of the Constitution of India he Governor of Mysore is pleased to promulgate the follc rdinance:-

1. Short title.- This Ordinance may be called the ysore Irrigation (Levy of Betterment Contribution and ater Rate) (Amendment) Ordinance, 1963.

2. Amendment of section 2.- In sub-section (1) of section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957) hereinafter referred to as the principal Act), clause (f), the following clauses shall be and shall be lways to have been inserted, namely:-

(f-1) "major irrigation work" means an irrigatio work costing more than rupees five crores

(f-2) "medium irrigation work" means an irrigati work costing more than rupees ten lakhs a not more than rupees five crores;

(f-3) "minor irrigation work" means an irrigatio costing not more than rupees ten lakhs;"

3. Amendment of section 4.- In section 4 of the principal Act, for sub-sections (1) and (2), the followi sub-sections shall be and shall be deemed always to have been substituted, namely;-

"(1) Subject to such rates as may be prescribed, the Deputy Commissioner shall determine the contributior ayable

(i) in respect of each of the lands mentioned ir section 3 benefited or deemed to be benefited by a major irrigation work or a medium irrigation work, on the basis of the kind of crop grown or which can be grown on such lands.

(ii) in respect of each of the lands mentioned in section 3 benefited or deemed to be benefited by a minor irrigation work, on the basis of the cost of the work;

Provided that the contribution shall in no case excee value of the land subject to payment of betterment contr

p.t.o.

contribution:

Provided further that -

(a) the total contribution leviable under clause (ii) shall not exceed the cost of the work concerned; and

(b) the rate of contribution leviable under clau (ii) may be at a uniform rate for all lands benefited or deemed to be benefited by all minor irrigation works.

(2) Before determining the contributions payable under sub-section (1), the Deputy Commissioner shall ser a copy of the draft order proposed to be made on the per liable to pay the contribution, and consider any objecti received from them."

E MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) ORDINANCE, 1963.

An Ordinance further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS neither the Mysore Legislative Assembly nor the Mysore Legislative Council is in session and the Government of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957);

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Provided that the contribution shall in no case the value of the land subject to payment of betterment

p.t.o.

buttons

ovided further that -

(a) the total contribution leviable under [illegible] (ii) shall not exceed the cost of [illegible] concerned; and

(b) the rate of contribution leviable under [illegible] (ii) may be at a uniform rate for all [illegible] benefited or deemed to be benefited by [illegible] minor irrigation works.

(2) Before determining the contributions payable under sub-section (1), the Deputy Commissioner shall [illegible] copy of the draft order proposed to be made [illegible] liable to pay the contribution, and consider any [illegible] received from them."

GOVERNOR OF [illegible].

The above draft Ordinance is for approval of the Cabinet.

Chandappa 15/3/[illegible]

(Chandappa Patil),
Secretary to Government,
Public Works Department.

C.174/63. PWD.137 GIG.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT)

WHEREAS neither the Mysore Legislative Assembly r the Mysore Legislative Council is in session and the vernment of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957);

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Mysore is pleased to promulgate the follo Ordinance:-

1. Short title.- This Ordinance may be called the lysore Irrigation (Levy of Betterment Contribution and ater Rate) (Amendment) Ordinance, 1963.

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"(1) Subject to such rates as may be prescribed, he Deputy Commissioner shall determine the contribution ayable

(i) in respect of each of the lands mentioned in section 3 benefited or deemed to be benefited by a major irrigation work or a medium irrigation work, on the basis of the kind of crop grown or which can be grown on such lands.

(ii) in respect of each of the lands mentioned in section 3 benefited or deemed to be benefited by a minor irrigation work, on the basis of the cost of the work;

Provided that the contribution shall in no case ex he value of the land subject to payment of betterment co

p.t.o.

contribution:

Provided further that -

(a) the total contribution leviable under clause (ii) shall not exceed the cost of the work concerned; and

(b) the rate of contribution leviable under clause (ii) may be at a uniform rate for all lands benefited or deemed to be benefited by all minor irrigation works.

(2) Before determining the contributions payable under sub-section (1), the Deputy Commissioner shall serve a copy of the draft order proposed to be made on the persons liable to pay the contribution, and consider any objections received from them."

GOVERNOR OF MYSORE.

The above draft Ordinance is for approval of the Cabinet.

Chandappa 25/11/63

(Chandappa Patil),
Secretary to Government,
Public Works Department.

K.B. Murarappa, B.E., M.C.E. (USA),

(Irrigation)

Issued in No. PWD
Dated 28/8/63

PWD 137 GIG 62

Encl. 5 Books & Two files.

Dear Sir,

Sub:- Amendment to Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957.

As desired by you during your discussions with the Secretary to Government, P.W.&.E. today, I am sending herewith this Department file No.PWD 137 GIG 62 about the Betterment Levy Act. Copies of the following Acts are also sent herewith for reference:

1) The Mysore Irrigation Act, 1932;
2) The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957;
3) The Mysore Irrigation Betterment Contribution Rules;
4) The Bombay Code containing the Bombay Irrigation Act; and
5) The Hyderabad Code containing the Hyderabad Irrigation Act.

During the discussions in the meeting of the State Working Group today, you were requested to send detailed notes on the following subjects---

a) concrete proposals with regard to your suggestion to have 'block system of irrigation' instead of the present 'localisation system;
b) a system of Betterment Levy that could be envisaged in such a manner as to be made applicable to the present system of irrigation and the system you envisage, as well.

I am therefore to request you kindly to send <u>ten copies</u> of the above notes along with the Acts and the file as early as possible.

Yours sincerely,

D.C.

Shri I.M. Mugdum, B.E., M.I.E.,
Chief Engineer, Irrigation Projects,
14/14B, Cunningham Road,
<u>Bangalore-1</u>.

183

No.PWD 137 GIG 62 -9-1963

Dear .....,

Sub:- Amendment to Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Please refer to my D.O. No.PA 194 dated 26-8-1963 and Shri Murarappa's D.O. No.PWD 137 GIG 62 dated 28-8-1963, on the above subject. As the matter is urgent, I am to request you to pay personal attention to the matter and furnish the notes as desired therein immediately. The file sent to you may also be returned with your notes.

Yours

Shri I.M. Mugdum, B.E., M.I.E.,
C.E., I.P., B'lore.

D R A F

Dear Shri Mugdum,

Sub:- Amendments to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957.

****

Please refer to my D.O. letter No.PA 194 dated 26th August 1963 and the D.O. letter No.PWD 137 GIG 62 dated 28-8-1963 of the Deputy Secretary to Govt. P.W.D.(I) on the above subject.

During the discussion at the State Working Group meeting held on 27th August 1963, you promised to send ~~Notes~~ your views before ~~within~~ the end of the ~~previous~~ last month ~~so that the same may be~~ to enable us circulated ~~to~~ among all the Divisional Commissioners, Chief Secretary to Government, Secretary to Govt., F.D., Secretary to Govt., R.D. and Secy to Govt LB for their remarks. The notes as required in the D.O. letter mentioned have not yet been received so far. The matter may kindly be looked into personally ~~and see that~~ and see the notes ~~are~~ sent by return of post without fail.

Yours sincerely,

(Chandappa Patel)

Shri I.M. Mugdum, B.E., M.I.E.,
Chief Engineer, Irrgn. Projects,
14/14B, Cunningham Road,
B a n g a l o r e - 1.

a. No PA. 215/63

Dear Shri Hugdum,

SUBJECT:- Amendments to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957.

Please refer to my D.O. letter No.PA 194 dated 26th August 1963 and the D.O. letter No.PWD 137 GIG 62 dated 28-8-1963 of the Deputy Secretary to Government, P.W.D. (Irrgn.) on the above subject.

During the discussion at the State Working Group meeting held on 27th August 1963, you had kindly promised to send your views before the end of the last month to enable us to circulate among all the Divisional Commissioners, Chief Secretary to Government, Secretary to Government, Finance Department, Secretary to Government, Revenue Department, and Secretary to Government Law Department for their remarks. The notes as required in the D.O. letters mentioned have not yet been received so far. The matter may kindly be looked into personally and the notes sent by return of post without fail.

Yours sincerely,

Shri I.M. Hugdum, B.E., M.I.E.,
Chief Engineer, Irrigation Projects,
14/14B, Cunningham Road,
Bangalore-1.

PWD 137 GIG

GOVERNMENT OF MYSORE
PUBLIC WORKS DEPARTMENT.

I.M. Magdum, B.E., M.I.E.
Chief Engineer,
Irrigation Projects in Mysore. &
Director of Technical Education

14, CUNNINGHAM ROAD,
BANGALORE-1.

MYSORE GOVT. SECRETARIAT 4 OCT 1963 P.W.D. (GENERAL IRRIGATION)

Dated: 3.10.1963.

D.O. No. 2735 / TA1

MYSORE GOVERNMENT SECRETARIAT TAPPAL SECTION 9 4 OCT 1963 SECTION PUBLIC WORKS DEPARTMENT

Sub:- Amendment to Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957.
Ref:- Your D.O. letter No. P.A.194 dated 26-8-1963 ending with D.O.No.PA 215/63 dt.23-9-63.

Dear Shri Patel,

Please find enclosed a brief Note dealing with the present and proposed method of levying Betterment Charges under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate)Act, 1957.

2. For want of time, I had to hurry through the Note. I have explained the Block System very briefly but, if Government desires more elaborate information, it is desirable to obtain Reports in this regard from the preser Maharashtra Government or I can explain them in person as far as I remember.

3. I have suggested in the Note that Government may first take a firm decision as to whether they should continue the Localisation System or adopt the Block Syster I have also indicated the basis for the levy of Betterment Charges in either case.

4. Whichever way the Government may decide, it should be possible to start collecting the Betterment Levy if firm decisions are taken on the alternative suggested. I have given alternatives for all types of crop patterns and it is for the Government to chose any of these.

5. You have got a full-time Joint Secretary in the Public Works Secratariat and it would be specially advantageous if he is entrusted with such work requiring a lot of application, study and collection of data. I would be happy to give him such advices as possible during my spare time.

6. The Secratariat File No. PWD 137 GIG 62 abou the Betterment Levy Act, together with the copies of the following Acts are returned herewith:-

1. The Mysore Irrigation Act, 1932;
2. The Mysore Irrigation (Levy of Betterment Contributic and Water Rate) Act 1957;
3. The Mysore Irrigation Betterment Contribution Rules;
4. The Bombay Code containing the Bombay Irrgn: Act; and
5. The Hyd'bad Code containing the Hyd: Irrgn: Act.

Yours sincerely,

(I.M. Magdum)

Cl 37

DS(1)

pl. examine urgently & put up.

U.S.(1) 3/10

K. B. MURARAPPA,
Deputy Secretary to Govt., PWD (Irrgn.)

DS(9) 1/63 4/10/63

4/10/63

Acts Retained in the Section 4/10/63

A NOTE ON
AMENDMENTS TO THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT OF 1957.

Certain practical difficulties were encountered in the collection of Betterment Levy as per provisions of the Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957. The main difficulty encountered in the fixation of the quantum of Betterment Levy is the correct assessment in the unearned increments in the land value consequent upon the construction, improvements or restoration of any irrigation work. Betterment Levy is intrinsically related to the quantum of Betterment estimated to have occured in the value of land under the irrigable command and the quantum of Betterment Levy would be equal to 50% of the increase in the land value, consequent upon the execution of the irrigation works.

From the Secretariat Files on record it is observed that the following two alternatives were suggested for fixing Betterment Levy:-

(1). Increase in the value of land based on sale transactions in the commanded area; and

(2). Increase in the gross produce of the land consequent upon the construction of the irrigation work.

The above two alternatives appear to have been considered in detail and finally the Council of Ministers has approved Levy of Betterment Charges based upon the crop pattern at a flat rate as under:-

1. Sugarcane:	...	Rs. 1000 per acre.
2. Paddy:	...	Rs. 750 " "
3. Irrigated dry crop:	...	Rs. 350 " "

(Contd. on page 2) ...

Consequently it was proposed to amend the Mysore Irrigation (Levy of Betterment and Contribution) Act of 1957 accordingly, to provide for the above.

2. A study of the existing systems of irrigation under the various irrigation projects in the State would reveal that there is considerable diversity in the Crop Pattern as well as in the method of sanctioning of crops as detailed below.

Tungabhadra Project Right Bank Canal (Low Level Canal):

Under Tungabhadra Right Bank Canal the system known as Localisation has come to stay. According to this an area of only 92,345 acres out of the gross comm of 2,94,000 acres has been localised partly for wet cultivation and partly for dry-cum-wet cultivation. This Crop Pattern thus is almost a fixed one and would conti: to exist as long as the Localisation System is allowed to stay. Only a few of the large number of cultivators under the irrigable command have gained the benefit of irrigation and even among the few, there is discrimination for wet and dry-cum-wet cultivation. This is considered to be unjust and inequitable.

Tungabhadra Project -- Left Bank Canal:

There is Localisation under Tungabhadra Left Bank Canal also. But under this Canal quite a large percentage of area of the gross command has been locali: Though quite a large number of cultivators get the irrigation benefit (i.e. 5.8 lakh acres out of 9,00,000 acr there is discrimination for wet cultivation and dry-cu wet cultivation which would be of a permanent nature under the Localisation Scheme.

(Contd. on page 3) ...

Ghataprabha Project:

Under this Project, lands which are fit for different types of crops have been scientifically assessed and crops are sanctioned on the basis of demands submitted by cultivators as per provisions of Bombay Irrigation Act. Under this system, it is possible to change the Crop Pattern every year in the case of dry-cum-wet lands and every six years in the case of wet crops.

Bhadra Project:

Under this Project, the Canals are still under construction and about 46838 acres have been brought under irrigation. The lands have been demarcated on the basis of the soil classifications under 3 different categories suitable for perennial, wet and dry-cum-wet cultivation. Thus the Crop Pattern is more or less permanent and the concerned irrigators can grow the prescribed crops or any crop lighter than the prescribed crop more or less on a permanent basis.

3. The above examples of a few Major Irrigation Projects illustrate that different systems of irrigation exist on different Projects and each have their own peculiarities.

The draft Irrigation Bill, clause 32, seeks to unify the different systems and the rules thereunder, which have yet to be framed should be so framed as to allow sufficient flexibility, rotation and diversion in the Crop Pattern, more or less akin to the Block System prevailing on the Deccan Canals of the Maharashtra State. The existing Localisation Scheme on the Tungabhadra Canal is most unjust and inequitable and results in specific advantage being given to specific persons through special lands for an indefinite period, thus opposing the very

basic principles of social equity and justice and contrary to the concept of a Socialistic Pattern of Society.

4. Block System:

Prior to 1938 in the the then Bombay State there was considerable confusion in the Irrigation practice prevailing on the (~~different systems of~~) Deccan Canals resulting in unsystematic Irrigation, indecisive Crop Pattern and imbalance in the distribution of Irrigation benefits in the commanded area. The then Government of Bombay thereupon instituted an Irrigation Enquiry Commission headed by late Sir M. Viswesvariah who evolved what is known as "the Block System of Irrigation" as the most efficient, just and stable form of Irrigation system. The Block System evolved by late Sir M. Viswesvariah on the Bombay Deccan Canals is briefly described below.

(1). The entire irrigable command is divided into different zones suitable for perennial cultivation, wet cultivation and dry-cum-wet cultivation based on the soil classification and sub-soil drainage.

(2). Every cultivator is free to apply for the type of crops and the extent of irrigation required for his land year after year and grow only such crops as are permitted by the Irrigation Department.

(3). The irrigable command is covered by perennial blocks, two seasonal blocks and seasonal blocks. In the perennial block 1/4 to 1/3 of the block area can be under the perennial irrigation in rotation with other types of lighter crops.

In the two seasonal block, a two seasonal crop to the extent of 50% of the area can be in rotation with any lighter crop and in the seasonal block between

between 50% to 100% of the area can be under irrigation in any one season subject to availability of water.

The total number of blocks available for distr bution in the irrigable command will be related to the availability of waters and no irrigator can have a permanent block. A perennial block can be held by any cultivator for a maximum period of 6 years only, after which it is opened to Government to sanction the block in favour of any other cultivator in need and not havir a perennial block.

Similarly in the case of two seasonal block every 3 years the block sanction can change hands and in the case of the seasonal block practically the block do not change hands but the extent of area which can be cultivated within the block in any year is dependent upon the availability of water supply. This method of irrigation by block system is considered to be the most rational particularly in areas having a large irri gable command and with diverse soil types, and limited water supply. Under this system, the entire irrigable command is provided with net works of distributaries and field channels and each cultivator can have canal water leading to his land. The available facilities are distributed over as large an area as possible and at least a fraction of every cultivator's holding will be under some type of irrigated crop or the other. Eve perennial blocks can be sanctioned, though to a small extent, to as many cultivators as possible. Even if a cultivator does not get a particular type of crop sanctioned in a particular year, he has every chance of getting such a sanction in the subsequent period on revision. Thus, this Block System of Irrigation is mo suitable for establishing a Socialistic Pattern of Society, wherein no selected few will be entitled to

irrigation benefits indefinitely at the cost of other Tax Payers similarly situated. There are different types of Block Systems, which cannot be dealt with exhaustivel in this Note. These are mentioned in detail in the Repo of the Irrigation Enquiry Commission, mentioned above an copies of the same are available with the Government of Maharashtra and can be obtained if required.

As stated in para one above, the proposal at present before the Government of Mysore is to levy the Betterment Charges at a flat rate according to the type of crop irrigated in a particular piece of land. Such a system is likely to create and perpetuate vested inter in so far as it confers a right on the cultivator to gro a particular type of irrigated crop, because the Governm has once for all committed to give him that facility whe the Betterment Charges are levied on that basis. In the case of perennial and wet cultivation there is likely to be a great scramble and such of the persons who succeed in getting sanction for sugar-cane or paddy will be requ to pay the Betterment Levy according to the crop and onc they pay the Betterment Levy they and their successors would be entitled in Law to grow that type of crop perma nently in their lands. Other cultivators who would not succeed in the begining to get sanction for perennial or wet cultivation would never be able to get such a sanc any time in future, nor their posterity will be able to gain such an advantage. The levy of Betterment Charges based on crop sanction on a permanent basis would, there lead to the creation and perpetuation of vested interest

Proposed Basis for Betterment Levy:

As stated in para (1) of the Note, the Betterm Charges are levied on the basis of the betterment that would naturally accrue to the land under the irrigable command, merely because the irrigation facility has bee created for that land. The betterment of the land is reflected in the potential increase in the value of the land, in the context of its capacity for additional yiel due to the facility of irrigation. Therefore, betterme can be measured either in terms of increase in the valu of the land subsequent to the advent of irrigation or in terms of increased yield subsequent to irrigation or bot put together. But it would be desirable to analyse and assess the quantum of betterment in terms of the followi two components:-

(1). General Betterment Levy: This should relat to the general increase in the value of lan with relation to its intrinsic value and it irrigable potential.

(2). Special Betterment Levy: This should relat to the specific increase in the value of la due to sanction of specific types of irrigat crops either on a permanent or a temporary basis.

Assessment of the general increase in the value of the lands does not imply any commitment on the part of the Government and as such the levy of Betterment Charges at a flat rate on the entire irrigable command in the three major categories of (i) perennial, (ii) wet and (iii) ~~xxx~~ light irrigation would be perfectly in order. Subsequent this general increase in the price structure will further undergo a slight change due to periodical sanction of irrigated crops. Thus, a land for which sugarcane has bee sanctioned for any period is likely to fetch higher value due to its increased returns. Therefore, Special Betterm Levy can further be levied on lands in terms of crops

In the past, difficulties have been expressed by the Betterment Levy Officers with regard to the levy of Betterment Charges based on actual assessment of the increased in the land value in relation to sale deeds or increase in the gross produce based on crop cutting experiments. Both these difficulties can be circumvented by the levy of Betterment Charges at a flat rate over the entire command. Thus, the flat rates for the General Betterment Levy should be carefully assessed on the basis of general sale transactions of similar types of lands and similarly the Special Betterment Levy should be assessed on the basis of general increase in the yield of similar types of lands due to irrigation.

Major Policy Decision:

In view of what is stated above, it is very necessary that Government takes a firm decision as to whether it would be advisable to have the Localisation type of Crop Pattern or the Block System of Crop Pattern, as a matter of major policy decision. If it is the intention of the Government to continue the Localisation type of Crop Pattern, then the decision already taken by the Council of Ministers to levy the Betterment Levy at flat rate, please vide para (1), may be adopted. But if the intention of the Government is not to perpetuate localisation type of Crop Pattern, but to introduce Block System of Crop Pattern mentioned in para (4) above, then it would be desirable to levy the Betterment Charges as suggested below:-

(a) General Betterment Levy:

(i) Lands suitable for perennial irrigation:	Rs. 400/-	per ac.
(2) Lands suitable for paddy or similar cultivation:	Rs. 300/-	-do-
(3) Lands suitable for irrigated dry crops:	Rs. 200/-	-do-

This levy may be collected in 20 equal annual

(Contd. on page 8) ...

(b). Special Betterment Levy:

(1)

In addition to the General Betterment Levy, a Special Betterment Levy on the basis of actual crop sanc tioned may also be levied as under:-

(1). Sugarcane:	...	Rs. 35/-	per acre.
(2). Paddy:	...	Rs. 20/-	-do-
(3). Irrigated Dry crop:		Rs. 5/-	-do-

These charges should be levied annually on the basis of crops sanctioned at a flat rate for a period of 20 years.

7. Summary of Recommendations:

Localisation or Block System: As a Major Policy Decisio Government may have to take immediate decision whether they would like to continue the existing Localisation S or to introduce the Block System as prevailing on Bombay Deccan Canals.

Is Localisation Scheme Irrevocable: The question as to whether the Localisation Scheme already in force is irrevocable or not is under the consideration of Governme in Law Department. An early decision may be taken in t regard to guide further decisions of Government.

In case the Government is of opinion that the Localisati System is irrevocable or that the Localisation System i best one, then the decision already taken by the Cabi to charge the Betterment Levy on a uniform rate, please vide para (1) above, may be adopted straightway.

But, if the Government is of the opinion that the Block System of Crop Pattern is more suitable, then the Bette Levy may be divided into two components as under:-

(a). General Betterment Levy based on the general incre in the value of land irrespective of crop pattern; and

Special Betterment Levy, based on the Crop pattern and linked with the Crop sanctioned on a periodical basis. The details are mentioned in paras 5-6 above.

St[illegible]
with the proposed levy of Betterment contribution planned outlay on Irrigation Projects:

To the end of First Plan	Rs. 37.28 crores	(Including Tung Bhadra)
Second Five Year Plan.	Rs. 63.96 "	
Third Five Year Plan (Plan Provision)	Rs. 40.66 "	
	Rs. 141.90	
or	Rs. 142 Crores.	

The extent of land to be brought under cultivation at the end of the Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficulties in cent per cent realisation, the definitely anticipated area that will come under irrigation is 11.65 lakhs acr made up as follows:-

Sugar Cane	--	1.69 Lakhs acres.
Paddy.	--	2.95 " "
Irrigated dry crop.		7.01 " "
		11.65 " "

The return on the said area in accordance with the levy as decided by the cabinet is as follows:-

Sugar Cane	@ Rs. 1000 per acre	- 1.69 Lakhs	x1000	=16.90 acr
Paddy	@ Rs. 750 per acre	- 2.95 "	x 750	=22.12 "
Irrigated dry crop	@ Rs. 350 per acre	- 7.01 "	x 350	=24.54 "
				63.56 "

i.e., Rs. 3.18 crores per annum.

the return on Rs. 142 crores works out to 2.24% per annum.

The return according to the levy suggested by the Chief Engineer, (Irrigation Projects) is as follows:-

I. General Betterment levy:

				Rs.	Rs.
1. Sugar Cane	@ Rs. 400/- per acre	1.69 lakhs	x400	-6.76	Cro
2. Paddy.	@ Rs. 300/- per acre	2.95 lakhs	x300	=8.85	"
3. Irrigated dry paddy	@ Rs. 200/- per acre	7.01 lakhs	x200	=14.02	"
			Total I.	29.63	"

II. Special Betterment levy for 20 years:

1. Sugar Cane at Rs. 35 per acre per annum -1.69 L X35X20=

It is proposed to convene a meeting in the Chambers of the Secretary PW & E on the 14th or 15th October 1963 at 11.00 A.M. to consider ~~a note~~ the question of amending the Mysore Irrigation (Levy of Betterment Contribution & Water Rate) Act 1957

It may kindly be indicated which date would suit you.

D S (Budget) 7/10/63

W.S. PWD

It is desirable the meeting is held at 6 p.m. on 15th October 63 in case Supply demands are taken up. If Supply demands votes before 14th, the time as suggested will be suitable. The

Exact date will be known tomorrow

Ans

[illegible]

Dear Shri

I understand that the Government of Bombay instituted in 1938 or so an Irrigation Enquiry Commission headed by late Sri M.Viswesvaraiah who evolved what is known as "the Block system of Irrigation" as the most efficient, just and stable form of Irrigation system.

The Government of Mysore are now considering the manner of levy of contribution on the lands benefitted by the Major and Medium Irrigation projects. We would like to study the system recommended by the Irrigation Enquiry Commission headed by late Sri M.Viswesvaraiah before the question is finalised.

I shall therefore, be glad, if you kindly send me urgently a copy of the said Irrigation Enquiry Commission Report together with a brief note detailing the method that is being adopted in your State under the Block system of cultivation for lands having an assured supply of water from Major and Medium Irrigation Projects.

Yours sincerely,

(Secretary to Govt.,
P.W. & E.Dept.)

Shri Narayan Rao Khinsale,
C.E. & Joint Secretary to Govt. of
Maharashtra, BOMBAY.

7/10/63

Secretary to Govt.,
P.W. & E.Dept.

DRAFT FOR APPROVAL.

D.O.No. 137 GIG 62

Dear ~~Sir~~ Shri,

At ~~a~~ meeting of the Scrutinising Committee held on the 13th Aug. 1963, when the question of amending the Mysore Irrigation(Levy of Betterment contribution and Water Rate) Act 1957 was considered, it was pointed out by the Chief Engineer,IP, that the draft amendment ~~may~~ would have the effect of perpetuating the localisation Scheme in all project~~s~~ areas and that it ~~may~~ would be desirable to have ~~a~~ further discussions in ~~which the three Administrative~~ departments will participate with a view to arriving at a ~~clear~~ conclusion about ~~as to~~ the future pattern of Irrigation Policy which the Cabinet would have to consider and decide.

I enclose ~~herein~~ a copy of a note prepared by the Chief Engineer, IP. A statement giving the financial return is also attached. It is proposed to discuss this matter in my Chambers ~~with the officers~~ following, on the 16th October 1963, ~~at~~ 11.00 am. The CE IP will be attending the meeting.

1. Secretary to Govt. FD.
2. Secretary to Govt. RD.
3. Secretary to Govt. LD.
4. Joint Secy. to Govt., PW&E
5. The Chief Engineer, IP.,
6. Deputy Secretary to Govt.,PW&E(Irrigation)

I shall be grateful if you ~~can~~ kindly attend the Meeting.

Yours sincerely,

(Secy PW&E)
5/10

Shri N. Narasimha Rao I.A.S
Secretaries to Govt.,
~~FD~~, RD, ~~LD., Jt.Secy.~~
~~PW&E.~~

PTO.

CHANDRA PATIL, IAS,
SECRETARY TO GOVERNMENT.

202

Mysore Government Secretariat,
Vidhana Soudha, Public Works Dept
Bangalore, dated, 9-10-1968.

No.127 SIC 68

Dear Shri.

At the meeting of the Scrutinising Committee held on the 13th August 1968, when the question of amending the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1967 was considered, it was pointed out by the Chief Engineer, Irrigation Project, that the draft amendment would have the effect of perpetuating the rotation scheme in all project areas and that it would be desirable to have further discussions with a view to arriving at a conclusion about the future pattern of irrigation policy which the Cabinet would have to consider and decide.

I enclose a copy of a note prepared by the Chief Engineer, Irrigation Projects. A statement showing the financial returns is also enclosed. It is proposed to discuss this matter in the Secretariat on the 10th instant at 11-00 a.m. The Deputy Secretary, Budget, Finance and the Chief Engineer, Irrigation Projects will be present at the meeting.

I shall be grateful if you kindly attend the meeting.

Yours sincerely,

Shri.H. Hanumaiah Esq, I.A.S,
Secretary to Government of Mysore,
Revenue Department, Vidhana Soudha,
BANGALORE.

Copy together with a copy of the note and the statement are forwarded to:-

1. Shri. [illegible] Bhamath, Deputy Secy., Fin (Budget).
2. Shri. I.M.Hagdum, Chief Engineer, Irrigation Projects, with a request kindly to attend the meeting

Sd. Chandrasekhara Patil.

Secretary to Government,
Public Works Department.

Mysore Government Secretariat,
Vidhana Soudha, Public Works Dept
Bangalore, dated, 9-10-1968.

D.O.No.137 GIG 68

Dear Shri.

At the meeting of the Scrutinising Committee held on the 13th August 1968, when the question of amending the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 was considered, it was pointed out by the Chief Engineer, Irrigation Project, that the draft amendment would have the effect of perpetuating the localisation scheme in all project areas and that it would be desirable to have further discussions with a view to arriving at a conclusion about the future pattern of Irrigation Policy which the Cabinet would have to consider and decide.

I enclose a copy of a note prepared by the Chief Engineer, Irrigation Project. A statement giving the financial return is also attached. It is proposed to discuss this matter in my Chambers on the 16th October 1968 at 11-00 A.M. The Deputy Secretary Budget, Finance Deptt. and the Chief Engineer, Irrigation Projects will be attending the meeting.

I shall be grateful if you kindly attend the meeting.

Yours sincerely,

To
Sri.N. Narasimha Rao, I.A.S,
Secretary to Government of Mysore,
Revenue Department, Vidhana Soudha,
BANGALORE.

Copy together with a copy of the note and the Statement are forwarded to:-

1. Sri. N.S.Bharath, Deputy Secy., FD (Budget).
2. Sri. I.M.Magdum, Chief Engineer, Irrigation Projects, with a request kindly to attend the meeting

(Sd)
Secretary to Government,
Public Works Department.

A NOTE ON
AMENDMENTS TO THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT OF 1957.

Certain practical difficulties were encountered in the collection of Betterment Levy as per provisions of the Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957. The main difficulty encountered in the fixation of the quantum of Betterment Levy is the correct assessment in the unearned increments in the land value consequent upon the construction, improvements or restoration of any irrigation work, Betterment Levy is intrinsically related to the quantum of Betterment estimated to have occured in the value of land under the irrigable command and the quantum of Betterment Levy would be equal to 50% of the increase in the land value, consequent upon the execution of the irrigation works.

From the Secretariat Files on record it is observed that following two alternatives were suggested for fixing Betterment Levy:-

1) Increase in the value of land based on sale transactions in the commanded area; and

2) Increase in the gross produce of the land consequent upon the construction of the irrigation work;

The above two alternatives appear to have been considered in detail and finally the Council of Ministers has approved Levy of Betterment Charges based upon the crop pattern at a flat rate as under:-

1. Sugarcane: -- Rs.1000 per acre.
2. Paddy. -- Rs. 750 per acre.
3. Irrigated dry crop. Rs. 350 per acre

Consequently it was proposed to amend the Mysore .....P.T.O. Irrigation (Levy of Betterment and Contribution) Act of 1957 accordingly, to provide for the above.

....Continued page 2.

A study of the existing systems of irrigation r the various irrigation projects in the State would reveal that there is considerable diversity in the Crop Pattern as well as in the method of sanctioning of crops as detailed below.

Tungabhadra Project Right Bank Canal (Low Level Canal):

Under Tungabhadra Right Bank Canal the system known as Localisation has come to stay. According to this an area of only 92,345 acres out of the gross comman of 2,94,000 acres has been localised partly for wet cultivation and partly for dry-cum-wet cultivation. This Crop Pattern thus is almost a fixed one and would continu to exist as long as the Localisation System is allowed to stay. Only a few of the large number of cultivators under the irrigable command have gained the benefit of irrigation and even among the few, there is discremination for wet and dry-cum-wet cultivation. This is considered to be unjust inequitable.

Tungabhadra Project - Left Bank Canal:

There is Localisation under Tungabhadra Left Bank Canal also. But under this Canal quite a large percentage of area of the gross command has been localise Though quite a large number of cultivators get the irrigation benefit (i.e. 5.8 lakh acres out of 9,00,000 acre there is discrimination for wet cultivation and dry-cum-wet cultivation which would be of a permanent nature under the Localisation Scheme.

Ghataprabha Project:

Under this Project, lands which are fit for different types of crops have been scientifically assessed and crops are sanctioned on the basis of demands submitted by cultivators as per provisions

possible to change the Crop Pattern every year in the case of dry-cum-wet lands and every six years in the case of wet crops.

BHADRA PROJECT:

Under this Project, the Canals are still under construction and about 46838 acres have been brought under irrigation. The lands have been demarcated on the basis of the soil classifications under 3 different categories suitable for perennial, wet and dry-cum-wet cultivation. Thus the Crop Pattern is more or less permanent and the concerned irrigators can grow the prescribed crops or any crop mighter than the prescribed crop more or less on a permanent basis.

3. The above examples of a few Major Irrigation Projects illustrate that different systems of irrigation exist on different Projects and each have their own peculiarities.

The draft Irrigation Biil, clause 32, seeks to unify the different system and the rules thereunder, which have yet to be framed should be so framed as to allow sufficient flexibility, rotation and diversion in the crop Pattern, more or less akin to the Block System prevailing on the Deccan Canals of the Maharashtra State. The existing Localisation Scheme on the Tungabhadra Canal is most unjust and inequitable and results in specific advantage being given to specific persons through specific lands for an indefinite period, thus opposing the very basic principles of social equity and justice and contrary to the concept of a Socialistic Pattern of Society.

4. Block System:

Prior to 1938 in the then Bombay State, there was considerable confusion in the Irrigation

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Irrigation practice prevailing on the Deccan Canals resulting in unsystematic Irrigation, indecisive Crop Pattern and imbalance in the distribution of Irrigation benefits in the commanded area. The then Government of Bombay thereupon instituted an Irrigation Enquiry Commission headed by late Sir M. Visveswariah who evolved what is known as " the Block System of Irrigation" as the most efficient, just and stable form of Irrigation system. The Block System as evolved by late Sir M.Visweswariah on the Bombay Deccan Canals is briefly described below.

(1) The entire irrigable command is divided into different zones suitable for perennial cultivation, wet cultivation and dry-cum-wet cultivation based on the soil classification and sub-soil drainage.

(2) Every cultivator is free to apply for the type of crops and the extent of irrigation required in his land year after year and grow only such crops as are permitted by the Irrigation Department.

(3) The irrigable command is covered by perennial blocks, two seasonal blocks and seasonal blocks, In the perennial block 1/4 to 1/3 of the block area can be under the perennial irrigation in rotation with other types of lighter crops.

In the two seasonal block, a two seasonal crop to the extent of 50% of the area can be in rotation with any lighter crop and in the seasonal block between 50% to 100% of the area can be under irrigation in any one season subject to availability of water.

The total number of blocks available for distribution in the irrigable command will be related to the availability of waters and no irrigator can have a per-

manent block. A perennial block can be held by any cultivator for a maximum period of 6 years only, after which it is open to Government to sanction the block in favour of any other cultivator in need and not havi a perennial block.

Similarly in the case of two seasonal block every 3 years the block sanction can change hands and in the case of the seasonal block practically the bloc do not change hands but the extent of area which can cultivated within the block in any year is dependent upon the availability of water supply. This method o irrigation by block system is considered to be the mos rational particularly in areas having a large ir gable command and with diverse soil types, and limite water supply. Under this system, the entire irrigabl command is provided with net works of distributaries and field channels and each cultivator can have canal water leading to his land. The vailable facilities are distributed over as large an area as possible and at least a fraction of every cultivator's holding wil be under some type of irrigated crop or the other. E perennial blocks can be sanctioned, though to a small extent, to as many cultivator's as possible. Even if a cultivator does not get a particular type of crop sanctioned in a particular year, he has every chance of getting such a sanction in the subsequent period o revision. Thus, this Block System of Irrigation is m suitable for establishing a Socialistic Pattern of Society, wherein no selected few will be entitled to irrigation benefits indefinitely at the cost of other Tax Payers similarly situated. There are fifferent t of Block Systems, which cannot be dealt with exhausti in this Note. These are mentioned in detail in the R

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of the Irrigation Enquiry Commission, mentioned above and copies of the same are available with the Government of Maharashtra and can be obtained if required.

As stated in para one above, the proposal at present before the Government of Mysore is to levy the Betterment Charges at a flat rate according to the type of crop irrigated in a particular piece of land. Such a system is likely to create and perpetuate vested interests in so far as it confers a right on the cultivator to grow a particular type of irrigated crop, because the Government has once for all committed to give him that facility when the Betterment Charges are levied on that basis. In the case of perennial and wet cultivation there is likely to be a great scramble and such of the persons who succeed in getting sanction for sugar-cane or paddy will be required to pay the Betterment Levy according to the crop and once they pay the Betterment Levy they and their successors would be entitled in Law to grow that type of crop permanently in their lands. Other cultivators who would not succeed in the beggining to get sanction for perennial or wet cultivation would never be able to get such a sanction any time in future, nor their post rity will be able to gain such an advantage. The levy of Betterment charges based on crop sanction on a permanent basis would, therefore, lead to the creation and perpetuation of vested interests, irrevocable in Law.

5. <u>Proposed Basis for Betterment Levy</u>:

As stated in para (1) of the Note, the Betterment Charges are levied on the basis of the betterment that would naturally accrue to the land under the irrigable command, merely because the irrigation facility has been created for that land. The betterment of the land is reflected in the potential increase in the value of the

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land, in the context of its capacity for additional yield due to the facility of irrigation. Therefore, betterment can be measured either in terms of increase in the value of the land subsequent to the advent of irrigation or in terms of increased yield subsequent to irrigation or both put together. But it would be desirable to analyse and assess the quantum of betterment in terms of the following two components:-

(1) General Betterment Levy: This should relate to the general increase in the value of land with relation to its intrinsic value and its irrigable potential;

(2) Special Betterment Levy: This should relate to the specific increase in the value of land due to sanction of specific types of irrigated crops either on a permanent or a temporary basis.

Assessment of the general increase in the value of the lands does not imply any commitement on the part of the Government and as such the levy of Bettermnett Charges at a flat rate on the entire irrigable command in the three major categories of (i) perennial, (ii) wet and (iii) light irrigation would be perfectly in order. Subsequently this general increase in the price structure will further undergoe a slight change due to periodical sanction of irrigated crops. Thus, a land for which sugarcane has been sanctioned for any period is likely to fetch higher value due to its increased returns. Therefore, Special Betterment Levy can further be levied on lands in terms of crops sanctioned.

In the past, difficulties have been expressed by the Betterment Levy Officers with regard to the levy of Betterment Charges based on actual assessment

deeds or increase in the gross produce based on crop cutting experiments. Both these difficulties can be circumvented by the levy of Betterment Charges at a flat rate over the entire command. Thus, the flat rates for the General Betterment Levy should be carefully assessed on the basis of general sale transactions of similar types of lands and similarly the Special Betterment Levy should be assessed on the basis of general increase in the yield of similar types of lands due to irrigation.

6. A Major Policy Decision:

In view of what is stated above, it is very necessary that Government takes a firm decision as to whether it would be advisable to have the Localisation type of Crop Pattern or the Block System of Crop Pattern type of Crop Pattern or the Block System of Crop Pattern, as a matter of major policy decision. If it is the intension of the Government to continue the Localisation type of Crop Pattern, then the decision already taken by the Council of Ministers to levy the Betterment Levy at a flat rate, please vide para (1), may be adopted. But if the intention of the Government is not to perpetuate Localisation type of Crop Pattern, but to introduce Block System of Crop Pattern mentioned in para (4) above, then it would be desirable to levy the Betterment Charges as suggested below:-

(a) General Betterment Levy:

1) Lands suitable for perennial irrigation.	Rs.400/-	per acre.
2) Lands suitable for paddy or similar cultivation.	Rs.300/-	-do-
3) Lands suitable for irrigated dry crops.	Rs.200/-	-do-

This levy may be collected in 20 equal annual instalments.

(b). Special Betterment Levy:

In addition to the General Betterment Levy, a Special Betterment Levy on the basis of actual crop sanc tioned may also be levied as under:-

1) Sugarcane: Rs.35/- per acre.

2) Paddy. Rs.20/- per acre.

3) Irrigated Dry Crop. Rs. 5/- per acre.

These charges should be levied annually on the basis of crops sanctionedd at a flat rate for a period of 20 years.

7. Summary of Recommendations:

1. Localisation or Block System: As a Major Policy Deci Government may have to take immediate decision whether they would like to continue the existing Localisation Sy or to introduce the Block System as prevailing on Bombay Deccan Canals.

2. Is Localisation Scheme Irrevocable: The question as whether the Localisation Scheme already in force is irrevocable or not is under the consideration of Governmen in Law Department. An early decision may be taken in th regard to guide further decisions of Government.

3. In case the Government is of opinion that the Localis System is irrevocable or that the Localisation System is the best one, then the decision already taken by the Cab to change the Betterment Levy on a uniform rate, please vide para (1) above, may be adopted straightway.

4. But, if the Government is of the opinion that the Bl System of Crop Pattern is ~~more opinion that the Block~~

.....p.t.o.

System of Crop Pattern is more suitable, then the Betterment Levy may be divided into two components as under:-

a) General Betterment Levy based on the general increase in the value of land irrespective of crop pattern; and

b) Special Betterment Levy, based on the Crop pattern and linked with the Crop sanctioned on a periodical basis. The details are mentioned in paras 5 and 6 above.

Statement indicating the financial return in accordance with the proposed levy of Betterment contribution on planned outlay on Irrigation Projects:

To the end of First Plan.	Rs.37.28 crores (Including Tungabha
Second Five Year Plan.	Rs.63.96 crores.
Third Five Year Plan (Plan Provision).	Rs.40.66 crores.
	Rs.141.90 crores.
or	Rs.142 Crores.

The extent of land to be brought under cultivation at the end of the Third Five Year Plan (Potential) is 13.57 lakhs acres. Making a little allowance for difficulties in cent percent realisation, the definitely anticipated area that will come under irrigation is 11.65 lakhs acres made up as follows:-

Sugar Cane.	Rs. 1.69 Lakhs acres.
Paddy.	Rs. 2.95 Lakhs acres.
Irrigated dry crop.	Rs. 7.01 Lakhs acres.
	11.65

The return on the said area in accordance with the levy as decided by the cabinet is as follows:-

Sugar Cane	@ Rs.1000 per acre	- 1.69 Lakhs x 1000	=	16.90 acres.
Paddy.	@ 750 per acre	- 2.95 Lakhs x 750	=	22.12 acres.
Irrigated dry crop	@ Rs. 350 per acre	- 7.01 Lakhs x 350	=	24.54 acres.
				63.56 acres.

i.e., Rs.3.18 crores per annum.

the return on Rs.142 crores works out to 2.24% per annum.

The return according to the levy suggested by the Chief Engineer, (Irrigation Projects) is a s follows:-

1. General Betterment levy:

			Rs.	
1) Sugarcane	@ Rs.400/- per acre	1.69 lakhs x	400	= Rs.5.76 Crores.
2) Paddy.	@ Rs.300/- per acre	2.95 lakhs x	300	= Rs.8.85 Crores.
3) Irrigated dry paddy	@ Rs.200/- per acre	7.01 lakhs x	200	= Rs.14.02 crores.
		Total I		Rs.29.63 Crores.

II. Special Betterment levy for 20 years:

1. Sugar Cane at Rs.35 per acre per annum - 1.69 Lakhs x 35 x 20 = 11.83 Crores.

2. Paddy @ Rs.20 per acre per annum 2.95 lakhs x 20 x 20 = 11.80Crores.
3. Irrigated 4 Rs.5 per acre per annum 7.01 Lakhs x5x20 = 8.01 "
dry crop

Total II 30.64 "

Grand Total I + II Rs.60.27 Crores.

i.e. Rs.3.13 crores per annum

the return on Rs.142 crores works out to 2.20% per annum.

The proposal involves a reduction in the annual return by 20 lakhs or 0.04%

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1 9 6 3

A bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957);

Be it enacted by the Mysore State Legislatu in the Fourteenth Year of the Republic of India as follows:-

1. Short title - This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water rate)(Amendment) Act,1963

2. Amendment of Section 3.-In section 3 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act):

i) for the words 'The Government shall be entitled to levy a betterment contribution in accordance with the provisions of this Act, from the landholder or holder of any land which, in its opinion, is benefitted', the words and brackets 'There shall be levied a land tax (hereinafter referred to as betterment contribution) in accordance with the provisions of this Act from the landholder or holder of any land, which, in the opinion of the prescribed officer is benefitted' shall be and shall be deemed always to have been substituted;

4. <u>Amount of betterment contribution</u>.- (i) The betterment contribution levied under section 3 shall consist of -

(i) a general betterment levy at -

(a) rupees five hundred per acre on every land benefited by a major or medium irrigation projects; and

(b) rupees four hundred per acre on every land benefited by a minor irrigation project; and

(ii) a special betterment levy for a period of twenty years at the rate of -

(a) rupees twenty-five per annum per acre of wet land benefited by the availability of water perenially ~~from~~ by any irrigation work;

(b) rupees twenty-five per annum per acre of wet land or any other land in which sugarcane is grown and which is benefite by the availability of water peremially or seasonally from any irrigation work; and

(c) rupees twelve and naye paise fifty only per annum per acre of land benefited by the avai ability of water seasonally

~~by~~ from any irrigation work:

Provided that betterment contribution shall not be payable in respect of uncultivable land.

ii) after explanation II, the following explanation shall be and shall be deemed always to have been inserted, namely: -

'Explanation III.— In this section, the 'Government' shall be deemed to include the authority established under section 66 of the Andhra State Act, 1953 (Central Act, 30 of 1953).'

3. Substitution of new section for section 4

For section 4 of the principal Act, the following section shall be and shall be deemed always to have been substituted, namely: —

'4. Amount of betterment contribution —

The betterment contribution levied under section 3, shall consist of —

i) The General Betterment levy

a) at a flat rate of rupees five hundred per acre on all lands benefitting from major and medium irrigation projects.

b) at a flat rate of rupees four hundred per acre on all lands benefitting under the minor irrigation projects:

Provided that the aforesaid amounts shall b paid in twenty annual equated instalments.

ii) The Special Betterment Levy

a) at the rate of rupees twentyfive per acre per annum for perennially wet lands including sugarcane for a period of twenty years.

b) at the rate of rupees twelve and naye paise fifty only per acre per annuam for seasonally wet lands for a period of twenty years:

Provided that betterment contribution shall not be payable in respect of uncultivable land:

Provided further that no landholder or holder of any land shall be liable to pay as betterment contribution in respect of such land any amount exceeding the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work, and the market value after the date of completion of such construction, restoration, expansion or alteration;

Provided also that for purposes of the preceding proviso the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded:

Explanation I: In this sub-section

(1) 'Major Irrigation Project' means an Irrigation work costing more than rupees five crores.

(2) 'Medium Irrigation Project' means an Irrigation work costing more than rupees ten lakhs and not more than rupees five crores.

(3) i) 'a Minor Irrigation works means a tank or other reservoir including the canals, channels, em-bankments, structures and installations connected therewith or auxilliary thereto which has been declared by the Government, or a prescribed officer to be ca

irrigating ~~not less than ten acres of land~~ ~~and~~ not more than one thousand acres of land.

Explanation II. — ~~ii)~~ a land shall be deemed to be benefitted by the availability of water

a) Perennially, if water is made available to such land for not less than eleven months in a year either continuously or otherwise;

b) seasonally, if water is made available to such land for not less than five months either continuously or otherwise

c) occasionally, if water is made available to such land for not less than one month either continously or otherwise;

(2) (a) For purposes of Sub-section (1) and subject to the provisions of clause (b), a prescribed Officer shall, by notification, (i) Specify the dates of commencement, ~~xxx xxxxxxx xxx dxxxx xf xxxxxxxxxxxx~~ and completion of the construction, restoration, expansion or alteration of any irrigation work, and the lands which in the opinion of the prescribed officer is benefitted by such irrigation work and different dates of commencement and completion of any irrigation work may be specified in respect of different lands benefitted by the same irrigation work depending upon the dates on which water is made available to such lands;

ii) specify the benefitted lands in respect of which water is available perennially, seasonally ~~or occasionally~~, as the case may be;

(b) The Government may either suo-motu or on application of any land holder affected by a notification issued under sub-clause (i) or (ii) if satisfied that there is any error in any such notification, direct such modification of the notification as it deems fit and the notification shall be accordingly, modified.

(3) (a)(i) Any land holder who considers that the amount of betterment contribution levied on him in respect of any land is more than the amount payable by him under the second proviso to sub-section (1) may object to such levy by an application made to the Deputy Commissioner setting out the particulars onthe basis of which he determines the valuationof the land before the date of construction, restoration, expension or alteration of the irrigation work and the particulars on the basis of which he determines its value after the date of completion of the construction, restoration, expansion or alteration of the work and such other particulars as may be necessary for a proper determination of the increase in value of the land.

(b) An application under clause (a) shall be made within a period of ninety days from the date of the notification under sub-section (2), in respect of such land and where notifications under clause (i) and (ii) of the said sub-section are issued on different dates, from the date of the later notification.

...6

(4) On the receipt of an application under sub-section (3) the Deputy Commissioner shall proceed to enquire into the objection and after considering the evidence adduced by the applicant and all other relevant factors, if he is satisfied that the increase in value is less than the amount specified in sub-section (1), make an order that the amount payable as betterment contribution by the applicant shall be an amount equal to the actual increase in value as determined by the Deputy Commissioner. If the Deputy Commissioner is not satisfied that the amount specified in Sub-Section (1) in respect of the land is more than the increase in value of the land he shall dismiss the application.

(5) The Government, or the landholder aggrieved by an order under sub-section (4) may within the prescribed time appeal to the District Court having jurisdiction over the area in which the land is situated and the District Court may pass such orders on the appeal as he deems fit.

(6) Any order passed by the District Court on an appeal preferred to it under sub-section (5) and subject to the orders aforesaid of the District Court, the orders of the Deputy Commissioner under sub-section (4) and if no objection is preferred to the Deputy Commissioner under sub-section (3), the amount specified in sub-section (1) shall be final and shall not be liable to be questioned in any court

4 Amendment of Section 5 To sub-section (1) of section 5 of the principal Act, the following proviso shall be added, namely: —

'Provided that no notice of demand shall be served on a landholder who has made an application under clause (b) of sub-ection (2) questioning the correctness of the notification issued under sub-clause (ii) of the said sub-section, or who has made an application under sub-section (3) of section 4, until the application made by him is finally decided.'

Levy of Uniform Water-rate in Mysore St.
(PWD File no 47 GIG 1959

C. 292/63

:tract from the Proceedings of the Fifty-Second Mee
›uncil of Ministers held at Bangalore on 17th Novem

JBJECT:-C.292/63

Levy of Water Rates.

DECISION OF CABINET.

Taking all factors into account, the Cabinet
cided that the Water Rates shall be as follows:-

.) Under Major and Medium Irrigation Projects:-

(a) Perennial Wet including Sugarcane.	Rs. 70/-per acre.
(b) Single Wet (Paddy)	Rs. 20/- "
(c) Dry -cum Wet.	Rs. 10/- "
(d) Green manure crops.	Rs. 5/- "

) Minor Irrigation from Tanks:-

(a) Tanks with an achkat upto 100 acres.	Rs. 10/- per acre
(b) Tanks with an achkat from 100 to 250 acres.	Rs.12.5 "
(c) Tanks with an achkat from 250 to 500 acres.	Rs. 15/- "
(d) Tanks with an achkat from 500 to 1000 acres.	Rs. 17.5 "

(e) Tanks of 1000 acres achkat and above will be treated for purposes of water rates as constituting medium irrigation.

MYSORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1963.

(Adjourned Meetings)

MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1963.

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore gation (Levy of Betterment Contribution and Water e) Act, 1957 (Mysore Act 28 of 1957);

BE it enacted by the Mysore State Legislature in the rteenth year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may called the Mysore Irrigation (Levy of Betterment tribution and Water Rate) (Amendment) Act, 1963.

(2) Sections 2, 3, 4, 5 and 6 shall be deemed to have e into force on the thirty-first day of October, 1957, and ions 7, 8 and 9 shall come into force on the date of ication of this Act in the official Gazette.

2. Amendment of section 2.—In section 2 of the ore Irrigation (Levy of Betterment Contribution and er Rate) Act, 1957 (Mysore Act 28 of 1957), hereinafter red to as the principal Act,—

(1) for clause (*b*), the following clauses shall be tituted, namely :—

"(*b*) 'Betterment Levy Officer' means such officer as the Government may appoint to be the Bette ment Levy Officer in respect of any area (irrigation work;

(*ba*) 'contribution' means the tax payable as bas contribution and special benefit contributic under sections 3 and 4;"

(2) after clause (*f*), the following clauses shall l inserted, namely:—

"(*fa* 'major irrigation work' means an irrigatic work costing more than rupees five crores;

(*fb*) 'medium irrigation work' means an irrigatic work other than a minor irrigation work costi more than rupees ten lakhs and not more th rupees five crores;

(*fc*) 'minor irrigation work' means a tank or h reservoir (including the canals, channe embankments, structures and installations co nected therewith or auxiliary thereto) costi in respect of construction, restoration, expansi or alteration, more than rupees one lakh which or has been declared by the Government or tl prescribed officer to be capable of irrigating n more than one thousand acres of land;"

(3) after clause (*h*), the following clause shall l inserted, namely:—

"(*ha*) 'prescribed officer' means the officer specified rules made under this Act and different offic may be specified for different areas, irrigati works or purposes:"

to levy a betterment contribution, in accordance with th provisions of this Act, from the landholder or holder of an land which, in its opinion, is benefited", the words an figure "There shall be levied a tax called betterment contri bution, at the rates specified in section 4 in accordance witl the provisions of this Act on land, which, in the opinion o the prescribed officer, is benefited" shall be substituted;

(ii) after Explanation II, the following explanatio shall be inserted, namely:—

"*Explanation III.*—In this sub-section, the expression "Government" shall be deemed to include the authority established under section 66 of the Andhra State Act, 1953 (Central Act 30 of 1953)."

(2) after the said sub-section (1), the following section shall be inserted, namely:—

"(2) For the purposes of levy of betterment contribution, the prescribed officer shall by notification specify—

(*i*) the dates of commencement and completion of the construction, restoration, expansion or alteration of any irrigation work;

(*ii*) the nature of the irrigation work, whether major irrigation work, medium irrigation work or minor irrigation work; and

(*iii*) the lands which, in his opinion, are benefited by such irrigation work;

lifferent dates of commencement and completion of any ation work may be specified in respect of different lands fited by the same irrigation work depending upon the on which water is made available to such lands.

(3) The Government may either *suo motu* or on cation by any landhold r affected by a notification d under sub-section (2), if satisfied that there is any in any such notification, direct such modification of

the notification as it deems fit and the notification modified accordingly by the prescribed officer."

4. **Substitution of new section for section 4.**—For 4 of the principal Act, the following section shall be tuted, namely :—

"4. **Amount of contribution payable.**— amount of contribution payable in respect of lands under section 3 shall consist of a basic contribution special benfit contribution payable at the rates spe sub-section (2).

(2) (*a*) The rate of basic contribution shall b the land is, or has been, benefited by—

(i) a major irrigation work or medium ir work, rupees five hundred per acre ; ar

(ii) a minor irrigation work, rupees four per acre.

(*b*) The rate of special benefit contributic be, where water is made available or is available fr work for the land,—

(i) for not less than eight months in rupees twenty-five per acre per annum

(ii) for not less than three months but les eight months in a year, rupees twelv half per acre per annum.

(3) (*a*) The basic contribution shall be pay the landholder in accordance with the provisi section 6.

(*b*) The special benefit contribution sh payable by the landholder for a period of twenty y respect of the benefited land, and the said conti payable in respect of any year shall be paid in the fo year.

(4) After the issue of a notification unde section (2) of section 3,

) the Betterment Levy Officer shall, after making such enquiry, if any, as he considers necessary, by order determine, the amount of basic contribution payable in respect of different lands;

(b) the Tahsildar shall, after making such enquiry, if any, as he considers necessary, by order determine, every year, the amount of special benefit contribution payable in respect of different lands.

(a) Any person aggrieved by an order made under of sub-section (4) may, within sixty days from f the order, appeal to the Deputy Commissioner, ision thereon shall be final and shall not be liable ioned in any court of law.

Any pers n aggrieved by an order made under of sub section (1) may, within thirty days from the order appeal to the Assistant Commissioner enue Sub-Division, whose decision thereon shal id shall not be liable to be questioned in any w."

nendment of section 5. In section 5 of the ct,—

in sub-section (1),

for the word "Contribution", the words "The basic contribution" shall be substituted;

for the words "an officer authorised by the Government in this behalf", the words "the Betterment Levy Officer" shall be substituted

in sub-section (2), for the word "contribution" "basic contribution" shall be substituted;

after sub-section (2), the following sub-section serted, namely:—

) The special benefit contribution payable for any year shall become payable when the land revenue due on such land for that year becomes payable and shall be paid along with such land revenue in the same manner as such land revenue is payable."

6. **Amendment of section 6.**—In section 6 of the pri pal Act, for the word "contribution" wherever it occ the words "basic contribution" shall be substituted.

7. **Amendment of section 10.**—In section 10 of principal Act,—

(1) in sub-section (1),

(*i*) in clause *b*), for the words "water is supplied used for purposes of irrigation", the w "water is supplied, made available or used purposes of irrigation or any other purpo shall be substituted;

(*ii*) after clause (*c*), the following clause shall inserted, namely:—

"(*d*) water supplied or made available to Government by the authority establis under section 66 of the Andhra State A 1953 is supplied, made available or used purposes of irrigation or any other pur

(*iii*) for the words 'the Government may pre the rates at which, the manner in which a authority by which such water rates sh fixed and the water rate so fixed may be i of the water rate, if any, payable unde other law in force", the words, figures brackets "the Government may prescribe rates at which such water rates shall be levi which may be,—

(i) different in respect of water supplied, m available or used for different purposes;

(ii) different in respect of water supplied, m available or used with reference to differ crops grown or which may be grown;

(iii) in lieu of water rate, if any, payable under other law;

and the manner in which and the authority by wh the amount of water rate levied shall be determined."

(2) sub-section (2) shall be omitted.

8. **Amendment of section 11.**—In section 11 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely :—

"(3) A rule made under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), every rule made under this Act shall have effect as if enacted in this Act.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

9. **Validation of collection of irrigation cess.**—Notwithstanding anything contained in the Madras Irrigation Cess Act, 1865 (Madras Act 7 of 1865) as in force before its repeal by section 12 of the principal Act, all amounts levied and collected by way of irrigation cess in purported exercise of any power under the said Madras Irrigation Cess Act, 1865, shall be deemed to be validly levied and collected, and may continue to be levied and collected accordingly until water rates are levied in accordance with the provisions of the principal Act, and any such levy or collection shall not be called in question merely on the ground that such levy or collection was not in accordance with the provisions of the said Madras Irrigation Cess Act, 1865.

Statement of Objects and Reasons.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 195[illegible] provides for the levy and collection of betterment contribution from lands benefited by the construction, restoration, expansion or alteration by Government of any irrigation work and also for the levy of water rate. It has been found that the work involved in determining the contribution in accordance with the procedure laid down in the Act and the rules made thereunder is considerable and complicated and that this has been responsible for slow progress of the work connected with the levy of betterment contribution. It is considered that the rates of the betterment contribution may be specified in the Act itself and that the procedure laid down in the Act may be simplified by suitably amending the Act. It is proposed to classify irrigation works as major irrigation work, medium irrigation work and minor irrigation work and betterment contribution as basic contribution and special benefit contribution. The rates of such betterment levy are also specified.

It is also considered necessary to regularise certain collections of irrigation cess made in Bellary District under the Madras Irrigation Cess Act, 1865. Hence the Bill.

ıtterment contribution, minimum collection charges of ıout ten per cent has to be provided in respect of the aff, etc., and this is expected to work out to rupees twenty khs per annum on the basis of anticipated collection of ıpees two crores per annum in the form of basic contribu-on and special benefit contribution.

Memorandum regarding Delegated Legislation

Clause 3.—Under Section 3 of the Act as proposed to be ıended, the State Government is empowered to prescribe ıe officer in whose opinion a land is benefited and who shall ecify the dates of commencement, etc., of an irrigation ork.

Clause 7.—Under sub-section (1) of Section 10 as pro-ɔsed to be amended, the State Government is empowered) prescribe the rates at which water rates shall be levied.

The delegation proposed in the Bill is necessary for be administration of the Act and is of a normal character.

VEERENDRA PATIL.

G. S. VENKATARAMANA IYER,

Secretary.

Extracts from the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Section 2. Definitions.—

* * * * *

(*b*) 'contribution' means the betterment contribution referred to in Section 3;

* * * * *

(*f*) 'landholder' or 'holder' signifies the person in whom a right to hold land is vested, whether solely on his own account, or wholly or partly in trust for another person or for a class of persons or for the public; and includes a mortgagee vested with a right to possession;

* * * * *

(*h*) 'prescribed' means prescribed by rules made under this Act;

Section 3. Levy of betterment contribution.—The Government shall be entitled to levy a betterment contribution, in accordance with the provisions of this Act, from the landholder or holder of any land which, in its opinion, is benefited by the construction, restoration, expansion or alteration of any work by the Government, whether after the commencement of this Act or at any time before such commencement, but not earlier than—

(i) the first January 1944 in the Mysore Area;

(ii) the first January 1947 in the Madras Area;

(iii) the first August 1947 in the Hyderabad Area; and

(iv) the first January 1950 in the Bombay Area and the Coorg Dist

Explanation I.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided such non-enjoyment is due solely to action or inaction on the part of the person or persons interested in such land.

Explanation II.—A land shall not be deemed to be benefited merely by reason of the execution of ordinary repairs, and maintenance of an existing work wholly or partly at the expense of Government.

Section 4.—Amount of betterment contribution.—(1) Subject to such rules as may be prescribed, the Deputy Commissioner shall determine the contribution payable in respect of each of the lands mentioned in section 3, after taking into account the increase in its capital value as estimated in the prescribed manner:

Provided that the contribution shall in no case exceed the estimated increase in the capital value of the land.

(2) Before determining the contributions payable under sub-section (1), the Deputy Commissioner shall invite objections and suggestions, in such manner as may be prescribed, from the persons liable to pay the same and consider in the prescribed manner all objections and suggestions received from them.

(3) Any landholder aggrieved by any determination made by the Deputy Commissioner under sub-section (1) may, within the prescribed time appeal to the prescribed authority and the prescribed authority may pass such order on the appeal as it thinks fit.

(4) Any order passed by the prescribed authority on appeal preferred to it under sub-section (3), and subject to the orders aforesaid of the prescribed authority, the determination of the Deputy Commissioner under sub-section (1) shall be final and shall not be liable to be questioned in any court of law.

Section 5.—When contribution becomes payable.—(1) Contribution shall become payable under this Act on a written

notice of demand therefor issued by an officer authorised by the Government in this behalf being served on the landholder.

(2) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the landholder or in respect of any instalment of the contribution.

6. **Mode of payment of contribution.**—(1) The landholder of any land in respect of which any contribution is payable, shall pay it in the manner prescribed either by surrendering to the Government a portion of his land the value whereof is equal to the amount of contribution, or in cash, or partly by surrendering land and partly in cash.

(2) Where the landholder chooses to pay the whole or part of the contribution by surrendering land, the surrender shall be subject to the following conditions:—

a) the value of the land offered for surrender shall, for the purpose of payment of contribution, be determined by the Collector in the prescribed manner;

b) the owner of the land shall prove to the satisfaction of the Deputy Commissioner that such land is free from all encumbrances; the Deputy Commissioner shall notify the proposed surrender and invite objections in such manner and within such period as may be prescribed; if any objection is received and the Deputy Commissioner is satisfied that the land is not free from encumbrance, he shall refuse to accept the surrender and shall recover the contribution in cash; if no objection is received and the Deputy Commissioner is satisfied that the land is free from encumbrance, he shall by order in writing accept the surrender and after such acceptance, the land shall vest in the Government free from all encumbrances and the Government may dispose

Provided that the Deputy Commissioner may on the ground of inaccessibility or inconvenient location of the land or such other grounds as may be prescribed refuse to accept the surrender.

(3) The Government may by general or special order direct that in respect of any work, or class of cases the contribution shall be payable only in cash and not by surrendering land.

(4) Where the contribution is payable in cash, it shall be payable in such number of annual instalments not exceeding twenty and at such times as may be prescribed:

Provided that if, on or before the date on which the first instalment is payable, or at any subsequent date within a period of two years from that date, the owner pays the entire contribution or the balance of contribution, as the case may be, he shall be entitled to a rebate of ten per cent of such contribution or balance of contribution, as the case may be:

Provided further that if the amount of contribution falls into arrears, interest shall be payable at the prescribed rate on the amount of such arrears.

* * * *

10.—Levy of water rate.—(1) Whenever—

vater is made available by the Government for the use of any benefited land in respect of which betterment contribution is levied;

vater is supplied or used for purposes of irrigation from any work belonging to, or constructed by, or on behalf of the Government; and

vater from any such work, by direct flow or percolation or by indirect flow, percolation or drainage from or through adjoining land irrigates any land under cultivation or flows into a reservoir and thereafter, by direct flow or percolation or by indirect flow, percolation or drainage from or through adjoining land irrigates any land

under cultivation and, in the opinion of the Deputy Commissioner such irrigation is beneficial to and sufficient for the requirements of crop on such land;

the Government shall be entitled to levy a separate charge for such water hereinafter referred to as water rate and the Government may prescribe the rates at which, the manner in which and the authority by which such water rates shall be fixed and the water rate so fixed may be in lieu of the water rate, if any, payable under any other law in force.

(2) For the avoidance of doubt, it is hereby declared that water rate leviable under this Act is not a tax on land but is a charge for the water supplied or used for the irrigation of lands.

(3) The amount of water rate shall be recoverable in the same manner as arrears of land revenue due on the land.

Section 11.—Power to make rules.—(1) The Government may subject to the condition of previous publication, by notification make rules to carry out the purposes of this Act, and such rules may be general for all irrigation works or may be special for one or more irrigation works, as may be specified in such rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the delegation of powers of the Government to such authority or authorities as may be notified;

for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated; and

for all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act shall be laid as soon as may be after they are made before the State Legislative Assembly while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of that period the State Legislative Assembly makes any modification in the rules or directs that any rule shall not have effect, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

GOVERNMENT OF MYSORE

LAW DEPARTMENT

MYSORE ACT No. 28 OF 1957

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957

(As amended by Act 23 of 1961)

GOVERNMENT OF MYSORE

LAW DEPARTMENT

MYSORE ACT No 28 OF 1957.

(First published in the Mysore Gazette *on the Thirty-first Day of October, 1957.)*

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT, 1957.

(As amended by Act 23 of 1961).

(Received the assent of the Governor on the Twenty-fourth Day of October 1957).

An Act to consolidate and amend the laws providing for the levy of betterment contribution and water rate in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the laws relating to the levy of betterment contribution and water rate in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Eighth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the Government by a notification appoint.

2. Definitions.—In this Act, unless the context otherwise iires.—

[1][(*a*) 'Deputy Commissioner' means the Deputy Commissioner of a District or such other officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act;]

(*b*) 'contribution' means the betterment contribution referred to in section 3 ;

(*c*) 'drainage work' includes—

(i) channels, whether natural or artificial, for the discharge of waste or surplus water and all works connected with and auxiliary to such channels ;

(ii) the escape channels from an irrigation work ;

(iii) dams, weirs, embankments, sluice and groynes ;

(iv) all works for the protection of lands from floods or fr erosion, which are owned or controlled by the Gove ment, but does not include works for the removal sewage ;

(*d*) 'Government' means the State Government ;

(*e*) 'irrigation work' includes :—

(i) all canals, channels, tanks, wells, reservoirs, anic bandharas, ponds, spring ponds, kuntas, talapariges a madugus used for the supply or storage of water, a all works, embankments and structures, installatio including the installation of a pumping set, supply a escape channels connected therewith or auxiliary the to which are owned or controlled by the Governme

(ii) all such lakes and other natural collections of wate parts thereof as are situated on lands which are property of the Government ;

(iii) all natural waterways, rivers and streams or pa thereof ;

(*f*) 'landholder' or 'holder' signifies the person in whoi right to hold land is vested, whether solely on his o account, or wholly or partly in trust for another persor for a class of persons or for the public ; and include mortgagee vested with a right to possession :

Provided that in respect of any land in the possession o walawargadar, a kayamgenidar, a permanent tenant o mulgeni tenant in the South Kanara District, such wa wargadar, kayamgenidar, permanent tenant or mulg tenant, as the case may be, shall be deemed to be landholder in respect of such land ;

(*g*) 'notification' means a notification published in Official Gazette ;

(*h*) 'prescribed' means prescribed by rules made under this Act;

i) 'work' means an irrigation or drainage work whether completed or not.

(2) [1][* * *].

3. Levy of betterment contribution.—The Government shall be entitled to levy a betterment contribution, in accordance with the provisions of this Act, from the landholder or holder of any land which, in its opinion, is benefited by the construction, restoration, expansion or alteration of any work by the Government, whether after the commencement of this Act or at any time before such commencement, but not earlier than—

(i) the first January 1944 in the Mysore Area;

(ii) the first January 1947 in the Madras Area;

(iii) the first August 1947 in the Hyderabad Area; and

(iv) the first January 1950 in the Bombay Area and the Coorg District.

Explanation I.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided such non-enjoyment is due solely to action or inaction on the part of that person or persons interested in such land.

Explanation II.—A land shall not be deemed to be benefited merely by reason of the execution of ordinary repairs, and maintenance of an existing work wholly or partly at the expense of Government.

4. Amount of betterment contribution.—(1) Subject to such rules as may be prescribed, the [2][Deputy Commissioner] shall determine the contribution payable in respect of each of the lands mentioned in section 3, after taking into account the increase in its capital value as estimated in the prescribed manner:

Provided that the contribution shall in no case exceed [2][the estimated increase in the capital value of the land].

(2) Before determining the contributions payable under sub-section (1), the [2][Deputy Commissioner] shall invite objections and suggestions, in such manner as may be prescribed, from the persons liable to pay the same and consider in the prescribed manner all objections and suggestions received from them.

1. Omitted by Act 23 of 1961.
2. Substituted by Act 23 of 1961.

(3) Any landholder aggrieved by any determination made l the [1][Deputy Commissioner] under sub-section (1) may, within tl prescribed time appeal to the prescribed authority and the prescrib authority may pass such orders on the appeal as it thinks fit.

(4) Any order passed by the prescribed authority on appe preferred to it under sub-section (3), and subject to the orde aforesaid of the prescribed authority, the determination of t [1][Deputy Commissioner] under sub-section (1) shal. be final a shall not be liable to be questioned in any Court of law.

5. When contribution becomes payable.—(1) Contribution shall become payable under this Act on a written notice of demand therefor issued by an officer authorised by the Government in this behalf being served on the landholder.

(2) For the avoidance of doubt, it is hereby declared that i shall not be necessary to serve notice on any person other than th landholder, who has an interest in the land or on a successor-in interest of the landholder or in respect of any instalment of th contribution.

6. Mode of payment of contribution.—(1) The landholder of an land, in respect of which any contribution is payable, shall pay it i the manner prescribed either by surrendering to the Government portion of his land the value whereof is equal to the amount c contribution, or in cash, or partly by surrendering land and partly i cash.

(2) Where the landholder chooses to pay the whole or part c the contribution by surrendering land, the surrender shall be subjec to the following conditions:—

(*a*) the value of the land offered for surrender shall, for th purpose of payment of contribution, be determined b the [1][Deputy Commissioner] in the prescribed manner;

(*b*) the owner of the land shall prove to the satisfaction c the [1][Deputy Commissioner] that such land is free fro all encumbrances; the [1][Deputy Commissioner] sha notify the proposed surrender and invite objections i such manner and within such period as may be prescribed if any objection is received and the [1][Deputy Commis sioner] is satisfied that the land is not free fro encumbrance, he shall refuse to accept the surrender an

1. Substituted by Act 23 of 1961.

shall recover the contribution in cash; if no objection is received and the [1][Deputy Commissioner] is satisfied that the land is free from encumbrance, he shall by order in writing accept the surrender and after such acceptance, the land shall vest in the Government free from all encumbrances and the Government may dispose of it in such manner as it deems fit:

Provided that the [1][Deputy Commissioner] may on the ground of inaccessibility or inconvenient location of the land or such other grounds as may be prescribed refuse to accept the surrender.

(3) The Government may by general or special order direct that in respect of any work, or class of cases the contribution shall be payable only in cash and not by surrendering land.

(4) Where the contribution is payable in cash, it shall be payable in such number of annual instalments not exceeding twenty and at such times as may be prescribed:

Provided that if, on or before the date on which the first instalment is payable, or at any subsequent date within a period of two years from that date, the owner pays the entire contribution or the balance of contribution, as the case may be, he shall be entitled to a rebate of ten per cent of such contribution or balance of contribution, as the case may be:

Provided further that if the amount of contribution falls into arrears, interest shall be payable at the prescribed rate on the amount of such arrears.

7. Contribution recoverable as arrears of land revenue.—Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land; and the land, its products and the building (owned by the landholder) standing upon the land, shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

8. Payment of contribution by person having interest in land.—Any person having interest in a land may, notwithstanding that he

1. Substituted by Act 23 of 1961.

is not the landholder of such land, pay the contribution payable the holder in respect of such land and shall, if such person pays t entire contribution within a period of two years from the date which the landholder becomes liable to pay the contribution, entitled to a rebate of ten per cent.

9. **Right of reimbursement in respect of contribution.**—Where t landholder (not being in the South Kanara District a walawargad a kayamgenidar, a permanent tenant or a mulgeni tenant) liable pay contribution under this Act is not the owner of the land or is co-owner of the land, nothing in this Act shall be deemed to aff his right to reimbursement from the owner or to recover proportion part from the co-owner, as the case may be.

10. **Levy of water rate.**—(1) Whenever—

(*a*) water is made available by the Government for the use any benefited land in respect of which betterm contribution is levied ;

(*b*) water is supplied or used for purposes of irrigation fr any work belonging to, or constructed by, or on beh of the Government ; and

(*c*) water from any such work, by direct flow or percolation by indirect flow, percolation or drainage from or throu adjoining land irrigates any land under cultivation flows into a reservoir and thereafter, by direct flow percolation or by indirect flow, percolation or drain from or through adjoining land irrigates any land un cultivation and, in the opinion of the [1][Deputy Comm sioner] such irrigation is beneficial to and sufficient the requirements of crop on such land,

the Government shall be entitled to levy a separate charge for s water hereinafter referred to as water rate and the Government n prescribe the rates at which, the manner in which and the autho by which such water rates shall be fixed [2][and the water rate so fi may be in lieu of the water rate, if any payable, under any ot law in force]:

[3][ ].

(2) For the avoidance of doubt, it is hereby declared t water rate leviable under this Act is not a tax on land but i charge for the water supplied or used for the irrigation of lands.

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1. Substituted by Act 23 of 1961.
2. Added by Act 23 of 1961.
3. Proviso omitted by Act 23 of 1961.

(3) T

manner as arrears of land revenue due on the land.

[1][10-A. **Application of this Act to the Tungabhadra Project.**—The provisions of this Act relating to the levy of water rate shall be applicable in respect of any water stored, consumed, distributed or sold by the authority established under section 66 of the Andhra State Act, 1953 (Central Act 30 of 1953):

Provided that no rule or order for the fixation of the water rate and other incidents in respect of such water rate shall be made except with the previous consent of the President of India.]

11. Power to make rules.—(1) The Government may subject to the condition of previous publication, by notification make rules to carry out the purposes of this Act [2][and such rules may be general for all irrigation works or may be special for one or more irrigation works, as may be specified in such rules].

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the delegation of powers of the Government to such authority or authorities as may be notified;

(*b*) for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated; and

(*c*) for all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act shall be laid as soon as may be after they are made before the State Legislative Assembly while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of that period, the State Legislative Assembly makes any modification in the rules or directs that any rule shall not have effect, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

12. Repeal and savings.—Chapter VI of the Mysore Irrigation Act, 1932 (Mysore Act I of 1932); section 53 of the Mysore Land Revenue Code, 1888 (Mysore Act IV of 1888); section 55 of the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879);

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1. Added by Act 23 of 1961.
2. Inserted by Act 23 of 1961.

section 53 of the Hyderabad Land Revenue Act, 1317 F. (Hyderabad Act VIII of 1317 Fasli); sections 44, 48, 48A, 49, 50, 51, 52, 53, 54, 55, 56, 56A, 56B, 56C, 56D, 56E and 56F of the Bombay Irrigation Act, 1879 (Bombay Act VII of 1879); the Madras Irrigation (Levy of Betterment Contribution) Act, 1955 (Madras Act III of 1955); the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865); the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952 (Hyderabad Act V of 1952); and the Coorg Irrigation Cess Act, 1943 (Coorg Act IV of 1943) are hereby repealed:

Provided that such repeal shall not affect—

(i) the previous operation of the said provisions or anything duly done or suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(iii) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or forfeiture as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such forfeiture may be imposed as if this Act had not been passed:

Provided further that the provisions of this Act relating to levy of betterment contribution shall not be applicable to lands in respect of which contribution or betterment charges have already been levied under any repealed enactment and such contribution or betterment charges shall continue to be collected as if this Act had not been passed:

Provided also that the water rate, water cess or irrigation cess levied in respect of any land under any repealed enactment shall continue to be levied until water rates are levied in accordance with the provisions of this Act.

Draft.

GSR-

NOTIFICATION

The following draft of the Mysore Irrigation (Levy of Betterment Contribu tion) Rules, 1964, which the Governmen of Mysore proposes to make in exercise of the powers conferred by section 11 c the Mysore Irrigation (Levy of Betterme Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957), is hereby published as required by sub-section (1 of the said section for the informatior of persons likely to be affected therel and notice is hereby given that the sai draft will be taken into consideration or after the 30.7.1964 7.19

Objection or suggestion which may be received from any person with respec to the said draft by the State Govern- ment, before the aforesaid date, will b considered by the Government. Objectic or suggestions may be addressed to the Secretary to Government, Public Works a Electricity Department, Vidhana Soudha, Bangalore-1.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) RULES, 1964.

1. Title.- These rules may be call the Mysore Irrigation (Levy of Betterme

Contribution) Rules, 1964.

2. Definition.- In these Rules unless the context otherwise requires -

(1) 'Act' means the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957;

(2) 'Form' means a form appended to these Rules;

(3) 'section' means a section of the Act;

(4) 'year' means the year commencing from the first day of July.

3. Officers for purposes of sub-section (2) of section 3.- The prescribed Officer for purposes of sub-sections (1) and (2) of section 3 shall,

(1) in respect of lands under a major irrigation work or a medium irrigation work, be the Superintending Engineer of the Circle in which the irrigation work is situated;

(2) in respect of lands under a minor irrigation work, be the Executive Engineer of the Division in which the minor irrigation work

is situated.

4. Notification to be forwarded to Betterment Levy Officers and Tahsildars.- The Officer specified in rule 3 shall forward a copy of the notification issued by him under sub-section (2) of section 3 to the Betterment Levy Officer and the Tahsildar in whose jurisdiction any benefite land is situated.

5. Procedure to be adopted by the Betterment Levy Officer and the Tahsildar.- (1) After determining the amount of basic contribution payable in respect of different lands under clause (a) of sub-section (4) of section 4, the Betterment Levy Officer shall publish his order in Form I in the official Gazette and at the village Chavadi or Chavadis or any other public place in the village or villages in which the benefit lands are situate.

(2) After determining the amount of special benefit contribution payable in respect of different lands under clause (of sub-section (4) of section 4, the Tahsild shall publish his order in Form II in the official Gazette and at the Chavadi or Chavadi as defined in the Mysore Land Revenue ~~at the village Chavadi or Chavadis or any~~ other public place in the village or villages in which the benefited lands are situated.

(3) The ~~fact of such~~ publication

shall be announced by beat of drum in the village or villages concerned, and on a copy of the notice the Village Officer authorised to announce by beat of drum shall furnish a certificate attested by at least two persons who are land holders affected by the notice that the notice was duly published in the village.

6. Appeals.- (1) An appeal under clause (a) or clause (b) of sub-section (5) of section 4, shall be accompanied by a copy of the order appealed against.

(2) The Deputy Commissioner or the Assistant Commissioner shall after giving a reasonable opportunity to the appellant of being heard pass such orders on the appeal as he deems fit. Where the Deputy Commissioner or the Assistant Commissioner orders any modification in the rates of basic contribution or special benefit contribution payable in respect of any land, such order shall be published in the official Gazette.

7. Demand Notice.- (1) The Betterment Levy Officer shall issue a demand notice to the person liable to pay the basic contribution in Form III.

(2) Such notice shall be served on the assessee personally, and if he

cannot be found, on any adult member of his family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

8. Payment of basic Contribution.- The basic contribution shall be payable in twenty annual instalments, the first instalment being payable before the 30th April following the date of service of the written notice of demand under rule 7

9. Rate of interest on arrears.- Interest at the rate of six per cent per annum shall be payable on all amounts of arrears of basic contribution.

10. Surrender of lands.- (1) A landholder liable to pay the basic contribution, who desires to surrender the whole or any part of his land in lieu of the contribution payable by him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service of notice under rule 7.

(2) The application under sub-rule (1) shall contain the following particulars, namely:-

(1) The village in which the land is situated.

(2) The Survey Number and measurement of the land

and assessment fixed in respect of the land.

(3) The price of the land as calculated by the applicant.

(4) The amount of basic contribution levied in respect of the land.

(5) If the applicant is surrendering only a part of the land, the measurement of such part and the price of such part as calculate by him.

(3) The Deputy Commissioner shall, on receipt of the application under sub-rule (2) and after such enquiry as he deems fit, determine the price of the land or part of the land proposed to be surrendered as the case may be, having regard to -

(a) the statistics of sales of similar land in the neighbourhood and

(b) the increase in capital value of the land.

11. Notice by Deputy Commissioner of the proposal to surrender.- (1) The Deputy Commissioner shall publish a notice containing the proposal to surrender the lands, the details of such lands and the value fixed therefor.

(2) The notice under sub-rule (1) shall be published in the village where the benefited land is situated and the officer authorised to make such publication

shall furnish a certificate attested by at least two persons who are residents of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule (2) of rule 7 on all persons interested in the land as shown in the Record of Rights relating to such land.

(3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

(4) After the expiry of the period specified in sub-rule (3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer of surrende of land.

(5) The Deputy Commissioner may refuse to accept the offer of surrender in the following cases, namely:-

(i) inaccessibility or inconvenient location of the land offered to be surrendered;

(ii) where such land is not

irrigable or is not included in any area subject to a localised scheme of irrigation;

(iii) where such land is a fragment or where the acceptance of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdings;

(iv) where such land is not free from encumbrances.

12. Repeal.- The Mysore Irrigation (Levy of Betterment Contribution) Rules, 1961. are hereby repealed.

GOVERNMENT OF MYSORE

LEGISLATIVE DEPARTMENT

MYSORE ACT No. 28 OF 1957.

(*First published in the* Mysore Gazette *on the Thirty-first Day of October, 1957.*)

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT, 1957.

(*Received the assent of the Governor on the Twenty-fourth Day of October, 1957*).

An Act to consolidate and amend the laws providing for the levy of betterment contribution and water rate in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law elating to the levy of betterment contribution and water rate in th tate of Mysore ;

BE it enacted by the Mysore State Legislature in the Eighth yea f the Republic of India as follows :—

1. Short title and extent.—(1) This Act may be called th Iysore Irrigation (Levy of Betterment Contribution and Water Rate .ct, 1957.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the Governmen ıay by a notification appoint.

2. Definitions.—(1) In this Act, unless the context otherwis equires.—

(*a*) 'Collector' means the Collector or Deputy Commissioner c a District or such other officer not below the rank of Deputy Collector or Assistant Commissioner as th Government may appoint to discharge the functions c the Collector or Deputy Commissioner under this Act ;

(*b*) 'contribution' means the betterment contribution referred to in section 3;

(*c*) 'drainage work' includes—

(i) channels, whether natural or artificial, for the discharge of waste or surplus water and all works connected with and auxiliary to such channels;

(ii) the escape channels from an irrigation work;

(iii) dams, weirs, embankments, sluices and groynes;

(iv) all works for the protection of lands from floods or from erosion, which are owned or controlled by the Government, but does not include works for the removal of sewage;

(*d*) 'Government' means the State Government;

(*e*) 'irrigation work' includes :—

(i) all canals, channels, tanks, wells, reservoirs, anicuts bandharas, ponds, spring ponds, kuntas, talapariges and madugus used for the supply or storage of water, and all works, embankments and structures, installations including the installation of a pumping set, supply and escape channels connected therewith or auxiliary thereto which are owned or controlled by the Government

(ii) all such lakes and other natural collections of water or parts thereof as are situated on lands which are the property of the Government;

(iii) all natural waterways, rivers and streams or parts thereof;

(*f*) 'landholder' or 'holder' signifies the person in whom a right to hold land is vested, whether solely on his own account, or wholly or partly in trust for another person or for a class of persons or for the public; and includes a mortgagee vested with a right to possession:

Provided that in respect of any land in the possession of a walawargadar, a kayamgenidar, a permanent tenant or a mulgeni tenant in the South Kanara District, such wala-

(i) 'work' means an irrigation or drainage work, whether completed or not.

(2) The Mysore General Clauses Act, 1899 (Mysore Act III of 1899) shall apply for the interpretation of this Act, as it applies for the interpretation of a Mysore Act.

3. Levy of betterment contribution. (1) There shall be levied a tax ~~The Government shall be entitled to levy a betterment contribution~~, in accordance with the provisions of this Act, ~~from the landholder or holder of any~~ land which, in ~~its opinion~~, is benefited by the construction, restoration expansion or alteration of any work by the Government, whether after the commencement of this Act or at any time before such commencement, but not earlier than—

(i) the first January 1944 in the Mysore Area;

(ii) the first January 1947 in the Madras Area;

(iii) the first August 1947 in the Hyderabad Area; and

(iv) the first January 1950 in the Bombay Area and the Coorg District.

Explanation I.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided such non-enjoyment is due solely to action or inaction on the part of that person or persons interested in such land.

Explanation II.—A land shall not be deemed to be benefited merely by reason of the execution of ordinary repairs, and maintenance of an existing work wholly or partly at the expense of Government.

Explanation II

4. Amount of betterment contribution.—(1) Subject to such rules as may be prescribed, the Collector shall determine the contribution payable in respect of each of the lands mentioned in section 3, after taking into account the increase in its capital value as estimated in the prescribed manner:

Provided that the contribution shall in ~~no case exceed five hundred rupees per acre~~ no case exceed the estimated increase in capital value of

(2) Before determining the contributions payable under sub-section (1), the Collector shall invite objections and suggestions, in such manner as may be prescribed, from the persons liable to pay the same and consider in the prescribed manner all objections and suggestions received from them.

the Collector under sub-section (1) may, within the prescribed time appeal to the prescribed authority and the prescribed authority may pass such orders on the appeal as it thinks fit.

(4) Any order passed by the prescribed authority on appeal preferred to it under sub-section (3), and subject to the order aforesaid of the prescribed authority, the determination of the Collector under sub-section (1) shall be final and shall not be liable to be questioned in any Court of law.

5. When contribution becomes payable.—(1) Contribution shall become payable under this Act on a written notice of demand therefor issued by ~~an officer authorised by the Government in this behalf~~ being served on the landholder.

(2) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the landholder or in respect of any instalment of the contribution.

6. Mode of payment of contribution.—(1) The landholder of any land, in respect of which any contribution is payable, shall pay it in the manner prescribed either by surrendering to the Government a portion of his land the value whereof is equal to the amount of contribution, or in cash, or partly by surrendering land and partly in cash.

(2) Where the landholder chooses to pay the whole or part of the contribution by surrendering land, the surrender shall be subject to the following conditions :—

(*a*) the value of the land offered for surrender shall, for the purpose of payment of contribution, be determined by the Collector in the prescribed manner ;

(*b*) the owner of the land shall prove to the satisfaction of the Collector that such land is free from all encumbrances the Collector shall notify the proposed surrender and invite objections in such manner and within such period as may be prescribed ; if any objection is received and the Collector is satisfied that the land is not free from encumbrance, he shall refuse to accept the surrender and shall recover the contribution in cash ; if no objection is received and the Collector is satisfied that the land is free from encumbrance, he shall by order in writing accept the surrender and after such acceptance, the land shall vest in the Government free from all encumbrances and the

Government may dispose of it in such manner as it deems fit:

Provided that the Collector may on the ground of inaccessibility or inconvenient location of the land or such other grounds as may be prescribed refuse to accept the surrender.

(3) The Government may by general or special order direct that in respect of any work, or class of cases the contribution shall be payable only in cash and not by surrendering land.

(4) Where the contribution is payable in cash, it shall be payable in such number of annual instalments not exceeding twenty and at such times as may be prescribed:

Provided that if, on or before the date on which the first instalment is payable, or at any subsequent date within a period of two years from that date, the owner pays the entire contribution or the balance of contribution, as the case may be, he shall be entitled to a rebate of ten per cent of such contribution or balance of contribution, as the case may be:

Provided further that if the amount of contribution falls into arrears, interest shall be payable at the prescribed rate on the amount of such arrears.

7. Contribution recoverable as arrears of land revenue.—Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land; and the land, its products and the building (owned by the landholder) standing upon the land, shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

8. Payment of contribution by person having interest in land.—Any person having interest in a land may, notwithstanding that he is not the landholder of such land, pay the contribution payable by the holder in respect of such land and shall, if such person pays the entire contribution within a period of two years from the date on which the landholder becomes liable to pay the contribution, be entitled to a rebate of ten per cent.

9. Right of reimbursement in respect of contribution.—Where t landholder (not being in the South Kanara District a walawargad a kayamgenidar, a permanent tenant or a mulgeni tenant) liable pay contribution under this Act is not the owner of the land or i co-owner of the land, nothing in this Act shall be deemed to aff his right to reimbursement from the owner or to recover proportion: part from the co-owner, as the case may be.

10. Levy of water rate.—(1) Whenever—

(*a*) water is made available by the Government for the use any benefited land in respect of which betterm: contribution is levied ;

(*b*) water is supplied or used for purposes of irrigation fr any work belonging to, or constructed by, or on beh of the Government; and

(*c*) water from any such work, by direct flow or percolation by indirect flow, percolation or drainage from or throu adjoining land irrigates any land under cultivation or flo into a reservoir and thereafter, by direct flow or perco tion or by indirect flow, percolation or drainage from through adjoining land irrigates any land under cultivati and, in the opinion of the Collector such irrigation beneficial to and sufficient for the requirements of crop such land,

the Government shall be entitled to levy a separate charge such water hereinafter referred to as water rate and the Governme may prescribe the rates at which, the manner in which and t authority by which such water rates shall be fixed:

Provided that no water rate shall be leviable under this Act respect of water supplied or used for the irrigation of land which classified and assessed as wet, unless the land be irrigated, whet voluntarily or involuntarily, and whether wholly or in part:

(*i*) from any source hereinbefore mentioned, not being a sou which has been assigned by the Revenue authorities the source of irrigation of such land ; or

(*ii*) from any source assigned in respect of such land otherw than in accordance with a notification or order of t Government or of any authority subordinate to regulating or specifying the time, method and conditi of supply of water for the irrigation of such land fr such source and the number of crops which may irrigated on such land with such supply, free of separ

(2) For the avoidance of doubt, it is hereby declared that water rate leviable under this Act is not a tax on land but is a charge for the water supplied or used for the irrigation of lands.

(3) The amount of water rate shall be recoverable in the same manner as arrears of land revenue due on the land.

11. Power to make rules.—(1) The Government may subject to the condition of previous publication, by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(a) for the delegation of powers of the Government to such authority or authorities as may be notified;

(b) for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated ; and

(c) for all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act shall be laid as soon as may be after they are made before the State Legislative Assembly while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of that period, the State Legislative Assembly makes any modification in the rules or directs that any rule shall not have effect, the rules shall thereafter have effect only in such modified form or be of no effect; as the case may be.

12. Repeal and savings.—Chapter VI of the Mys Act, 1932 (Mysore Act I of 1932); section 53 of the Mysore Land Revenue Code, 1888 (Mysore Act IV of 1888); section 55 of the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879); section 53 of the Hyderabad Land Revenue Act, 1317 F. (Hyderabad Act VIII of 1317 Fasli); sections 44, 48, 48A, 49, 50, 51, 52, 53, 54, 55, 56, 56A, 56B, 56C, 56D, 56E and 56F of the Bombay Irrigation Act, 1879 (Bombay Act VII of 1879); the Madras Irrigation (Levy of Betterment Contribution) Act, 1955 (Madras Act III of 1955); the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865); the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952 (Hyderabad Act V of 1952); and the Coorg Irrigation Cess Act, 1943 (Coorg Act IV of 1943) are hereby repealed:

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Provided that such repeal shall not affect—

(*i*) the previous operation of the said provisions or anything duly done or suffered thereunder; or

(*ii*) any right, privilege, obligation or liability acquired accrued or incurred under the said enactments; or

(*iii*) any investigation, legal proceeding or remedy in respect o any such right, privilege, obligation, liability or forfei ture as aforesaid; and any such investigation, lega proceedings or remedy may be instituted, continued o enforced, and any such forfeiture may be impcsed as i this Act had not been passed:

Provided further that the provisions of this Act relating to lev of betterment contribution shall not be applicable to lands in respec of which contribution or betterment charges have already been levie under any repealed enactment and such contribution or bettermen charges shall continue to be collected as if this Act had not bee passed:

Provided also that the water rate, water cess or irrigation ces levied in respect of any land under any repealed enactment shal continue to be levied until water rates are levied in accordance wit the provisions of this Act.

GOVERNMENT OF MYSOR

LEGISLATIVE DEPARTMENT

MYSORE ACT No. 23 OF 1961.

(*First published in the* Mysore Gazette *on the Sixteenth day of November 1961*).

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) AMENDMENT ACT, 1961.

(*Received the assent of the President on the Thirty-first day of October, 1961*).

An Act to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957);

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Act, 1961.

2. **Amendment of section 2.**—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957) (hereinafter referred to as the principal Act),—

(1) for clause (*a*) of sub-section (1), the following clause shall be substituted, namely:—

"(*a*) 'Deputy Commissioner' means the Deputy Commissioner of a District or such other officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act ;"

(2) sub-section (2) shall be omitted

3. Amendment of section 4.—In section 4 of the princi Act,—

(i) for the word "Collector" wherever it occurs, the wo "Deputy Commissioner" shall be substituted;

(ii) in the proviso to sub-section (1) for the words "f hundred rupees per acre" the words "the estimated increase in t capital value of the land" shall be substituted.

4. Amendment of section 6.—In sub-section (2) of section 6 the principal Act, for the word "Collector", wherever it occurs t words "Deputy Commissioner" shall be substituted.

5. Amendment of section 10.—In sub-section (1) of section of the principal Act,—

(i) the proviso shall be omitted;

(ii) in clause (*c*),

(*a*) for the word "Collector", the words "Depu Commissioner" shall be substituted;

(*b*) after the words "the authority by which such water ra shall be fixed" the words "and the water rate fixed may be in lieu of the water rate, if any, payab under any other law in force" shall be added.

6. Insertion of new section 10-A.—After section 10 of t principal Act, the following section shall be inserted namely:—

"**10-A. Application of this Act to the Tungabhadra Project.**—T provisions of this Act relating to the levy of water rate shall applicable in respect of any water stored, consumed, distributed sold by the authority established under section 66 of the Andh State Act, 1953 (Central Act 30 of 1953):

Provided that no rule or order for the fixation of the water ra and other incidents in respect of such water rate shall be made exce with the previous consent of the President of India."

7. Amendment of section 11.—In sub-section (1) of section of the principal Act, after the words "carry out the purposes of th Act", the words "and such rules may be general for all irrigati works or may be special for one or more irrigation works, as may specified in such rules" shall be added.

1. These rules may be called THE MYSORE IRRIGA LEVY OF BETTERMENT CONTRIBUTION) RULES 1964 (REVIS nd shall come into force from the date of publicat f these Rules in the Mysore Gazette.

2. In these rules, unless the context otherwis equires -

(i) 'Act' means the Mysore Irrigation (Levy of etterment Contribution and Water Rate) Act 1957, a ct 1961 and amended Act 1963/1964.

(ii) 'Form' means a form appended to these rul

(iii) 'Section' means a section of the Act.

(iv) 'Tahsildar' includes Deputy Tahsildar.

(v) 'Year' means the year commencing from the st July of each year and ending with 30th June of he succeeding year.

3. The Superintending Engineers of the Circles n which the Major and Medium Irrigation projects a ituated shall be the prescribed officers in respec f those works. The Executive Engineers of the ivisions in which the minor irrigation works are ituated shall be the prescribed officers in respec f those works.

4. The prescribed officer shall after the issu f Notification under sub-section (2) of Section 3 fo copy thereof to the Betterment Levy officers and ahsildars in whose jurisdiction the lands benefitt ituated.

5. The Betterment Levy officer shall after det ining the amount of basic contribution payable i espect of the different lands publish, in Form I he official Gazette and in the villages at the C

...Page.2.

or any other public places ~~in each~~ of the village in wh
the lands ~~benefitted by the work~~ benefited are situated. (2)
fact of such publication shall be announced by
tom tom in each such village. On a duplicate co
of the notice, the village officer shall furnish
a certificate of publication attested at least b
two witnesses who are landholders affected by th
levy.

6. The Tahsildar shall after determining th
amount of Special benefit contribution payable i
respect of the different lands publish in Form 1
in the official Gazette and in the villages at t
Chavadi or any other public places in each villa
in which the lands benefitted by the work are
situated. The fact of such publication shall be
announced by tom tom in each such village. On a
duplicate copy of the notice the village officer
shall furnish a certificate of publication attes
atleast by two witnesses who are landholders aff
by the levy.

7. Appeal petitions to the Deputy Commissioner
Assistant Commissioner preferred against the ord
of the Betterment Levy officer or Tahsildar as
case may be shall bear court fee stamps as presc
in the Mysore Court Fees Suits valuation Act 195

8. The Deputy Commissioner or the Assistant
Commissioner shall notify in the Official Gazett
any modification in the rates of basic contribut
or special benefit contribution as the case may
made by them on any appeal preferred to them und
Sub-section 5 of section 4 of the Act and forwar
copy of such notification to the Betterment Levy
officer or Tahsildar against whose orders the ap

9. The Betterment Levy Officer shall issue a noti of demand for basic contribution in Form III. It shall be served personally on the landholder and if he cannot ~~be~~ be found, on any adult male member of his family residing with him or by affixture at his last residence or sent by registered post to his last known address.

10. The annual instalment of Basic Contribution shall be paid in cash (where the contribution is payable in cash) on or before the 30th April. Interest shall be charged at 6% per annum on the amount of arrears of contribution. The Basic contribution and the interest thereon shall be recovered as arrears of Land revenue.

11.(1) Such of the land holders as desire to surrender the whole or any part of their land under Section 6 of the Act shall make an application to that effect in writing to the Deputy Commissioner within 30 days from the date of service of notice of ~~the final order fixing the~~ demand for basic contribution.

(2) The land holder shall state in the application:

(a) The village in which the land is situated;
(b) Survey No. and measurement of the land and the assessment fixed in respect of the land;
(c) The price of the land as calculated by the land holder;
(d) The amount of ~~betterment~~ basic contribution leviable in respect of the land; and
(e) If the land-holder wishes to surrender any part of the land, the measurement of such part and the price of such part as calculated by him.

(3) The Deputy Commissioner on receipt of

235 446

or part of the land as the case may be, with reference to the statistics of sales of similar land in the neighbourhood and also with reference to the increase in capital value of land, as determined under the Rules mentioned above.

12. The Deputy Commissioner shall then notify the fact of surrender of lands with details by means of a notice in the village Chavadi, or any other public place in the village and the fact of such publication will also be announced by tom tom in the village or villages concerned and on the duplicate copy of the notice the village officers shall furnish a certificate of publication attested atleast by two witnesses who are residents of the village.

13. Objections, if any, regarding the lands proposed for surrender shall be preferred in writing to the Deputy Commissioner within sixty days from the date of publication of the notice.

14. The Deputy Commissioner shall consider the objections received and finally decide on the application for acceptance of surrender.

15. The Deputy Commissioner may refuse to accept the surrender of land in the following cases:

(i) Lands not irrigable or localised under the irrigation work.

(ii) Where the land offered for surrender is a fragment or where its acceptance results in fragmentation of a holding and is prohibited under any law for the time being in force relating to consolidation or prevention of fragmentation of holdings and where no such law is in force, the land offered for surrender or the extent left over in a survey number after such surrender is less than the minimum notified for each district or portion of a district by Government.

In case where no objection is received under Rule 13 but where the Deputy Commissioner has reason to believe that the land is not free from encumbrances.

Notice intimating the rates of basic ~~Betterment~~ Contribution as determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act. 1957.

Intimation is hereby given that the rates of basic ~~betterment~~ contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Villages or Villages in which the lands are situated.	Class of lands.	S.No. or other particulars of the lands	Extent of lands.	Rate of basic ~~Betterment~~ contribution payable.	REMARKS.
1	2	3	4	5	6	7	8

:

: Betterment Levy Officer

Published on

Certified that the notice was published on the date specified above in the village Chavadi . . . . . of . . . . . village and announced in this village by tom-tom.

Village Headman

Karnam

Two Witnesses.

FORM II

(See Rule 5(2))

Notice intimating the rates of Special benefit contribution as determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act. 1957.

Intimation is hereby given that the rates of Special benefit contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Village or villages in which the lands are situated.	Class of land	S.No. or other particulars of the lands	Extent of lands.	Period of supply of water.	Rate of special benefit contribution payable.	REMARKS
1	2	3	4	5	6	7	8	9

Subject:- Draft of the Pyme Singolian
(Levy of Betterments Contribution)
Rules 1946 - publication
of draft rules.

Sir

The Compiler Pyme Gazette.
Pyme

Sir;

In inviting reference
first notification no. pr.
63 of 3.7.1946. forwa
the draft rules relate
the above subject for
publication in the
ordinary gazette and c
requesting to dispose 75
thereof to the ~~Secretary~~ Dato
describe - if they were you
kindly to intimate - the
of publication of the op
rules in the gazette. (
of the - extra - ordinary ga
may also be sent simu
In taking further ac
on the matter.
This may please be
on top - priority basis an
reply sent further to

GOVERNMENT OF MYSORE

153

No. PWD 11 LBW 63.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 10th Aug. 1964.

retary to the Government of Mysore,
Public Works & Electricity Department.

The Compiler,
Mysore Gazette,
B a n g a l o r e.

Sir,

Sub: Draft of the Mysore Irrigation (Levy of Betterment Contribution) Rules 1964 -- Publication of draft Rules.

- - - -

In inviting reference to Government Notification No.PWD 11 LBW 63 dated 3.7.1964 forwarding the draft rules relating to the above subject for publication in the extra-ordinary Gazette and also requesting to supply 75 copies thereof to this Department. I am directed to request you kindly to intimate the date of publication of the above said rules in the Gazette. Copies of the extra-ordinary Gazette may also be sent immediately for taking further action in the matter.

This may please be treated on top-priority basis and reply sent within three days positively.

ISSUED
Dated 11/8/64

Yours faithfully,
(K.C.BOTHE),
Under Secretary to Government,
Public Works Department (S)

krn; 46801.

PUBLIC WORKS SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 8rd July 1964.

G. S. R. 204.—The following draft of the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 11 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate), Act, 1957 (Mysore Act No. 28 of 1957), is hereby published as required by Sub-Section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th July 1964.

Objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the aforesaid date, will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1.

MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) RULES, 1964

1. **Title** :—These rules may be called the Mysore Irrigation (Levy of Betterment Contribution) Rules 1964.

2. **Definition** :—In these Rules unless the context otherwise requires—

(1) 'Act' means the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957;

(2) 'Form' means a form appended to these Rules;

(3) 'Section' means a section of the Act;

(4) 'Year' means the year commencing from the first day of July.

3. Officers for purposes of sub-section (2) of Section 3 The prescribed Officer for purposes of Sub-Sections (1) and (2) of Section 3 shall,

(1) in respect of lands under a major irrigation work or a medium irrigation work, be the Superintending Engineer of the Circle in which the irrigation work is situated;

(2) in respect of lands under a minor irrigation work, be the Executive Engineer of the Division in which the minor irrigation work is situated.

4. Notification to be forwarded to Betterment Levy Officers and Tahsildars :—The Officer specified in rule 3 shall forward a copy of the notification issued by him under Sub-section (2) of section 3 to the Betterment Levy Officer and the Tahsildar in whose jurisdiction any benefitted land is situated.

5. Procedure to be adopted by the Betterment Levy Officer and the Tahsildar :—(1) After determining the amount of basic contribution payable in respect of different lands under clause (a) of sub-section (4) of section 4, the Betterment Levy Officer shall publish his order in Form I in the official Gazette and at the village Chavadi or Chavadis or any other public place in the village or villages in which the benefitted lands are situate.

(2) After determining the amount of special benefit contribution payable in respect of different lands under clause (b) of Sub-Section (4) of section 4, the Tahsildar shall publish his order in Form II in the official Gazette and at the Chavadi or Chavadis as defined in the Mysore Land Revenue Act 1964 in the village or villages in which the benefitted lands are situated.

6. Appeals :—(1) An Appeal under clause (a) or clause (b) of Sub-section (5) of section 4, shall be accompanied by a copy of the order appealed against.

(2) The Deputy Commissioner or the Assistant Commissioner shall after giving a reasonable opportunity to

the appelant of being heard pass such orders on the appeal as he deems fit. Where the Deputy Commissioner or the Assistant Commissioner orders any modification in the rates of basic contribution or special benefit contribution payable in respect of any, and such order shall be published in the official Gazette.

7. **Demand Notice**:—(1) The Betterment Levy Officer shall issue a demand notice to the person liable to pay the basic contribution in Form III.

(2) Such notice shall be served on the assessee personally, and if he cannot be found, on any adult member of his family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

8. **Payment of Basic Contribution**:—The basic contribution shall be payable in twenty annual instalments, the first instalment being payable before the 30th April following the date of service of the written notice of demand under Rule 7.

9. **Rate of interest on arrears**:—Interest at the rate of six per cent per annum shall be payable on all amounts of arrears of basic contribution.

10. **Surrender of lands**:—(1) A landholder liable to pay the basic contribution, who desires to surrender the whole or any part of his land in lieu of the contribution payable by him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service of notice under rule 7.

(2) The application under sub-rule (1) shall contain the following particulars, namely:—

(1) The village in which the land is situated.

(2) The survey number and measurement of the land and assessment fixed in respect of the land.

(3) The price of the land as calculated by th applicant.

(4) The amount of basic contribution levied in respec of the land.

(5) If the applicant is surrendering only a part of th land, the measurement of such part and th price of such part as calculated by him.

(3) The Deputy Commissioner shall, on receipt o the application under sub-rule (2) and after such enquiry a he deems fit, determine the price of the land or part of th land proposed to be surrenderd, as the case may be, havin regard to—

(a) the statistics of sales of similar land in th neighbourhood and

(b) the increase in capital value of the land.

11. **Notice by Deputy Commissioner of the proposal t surrender** :—(1) The Deputy Commissioner shall publish notice containing the proposal to surrender the lands, th details of such lands and the value fixed therefor.

(2) The notice under sub-rule (1) shall be publishe in the village where the benefited land is situated and th officer authorised to make such publication shall furnis a certificate attested by at least two persons who ar residents of the village, that the notice was duly publishe in the village. A copy of the notice shall also be serve in the manner specified in sub-rule (2) of rule 7 on al persons interested in the land as shown in the Record o Rights relating to such land.

(3) Objections, if any, to the proposal to surrende shall be submitted to the Deputy Commissioner withi sixty days from the date of publication or receipt of th notice, as the case may be.

(4) After the expiry of the period specified in sub-rul (3), the Deputy Commissioner shall consider the objection received and either accept or refuse to accept the offer o surrender of land.

(5) The Deputy Commissioner may refuse to accept he offer of surrender in the following cases, namely :—

(i) inaccessibility or inconvenient location of the land offered to be surrendered;

(ii) where such land is not irrigable or is not included in any area subject to a localised scheme of irrigation;

(iii) where such land is a fragment or where the acceptence of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdings;

(iv) where such land is not free from encumbrances.

12. Repeal :—The Mysore Irrigation (Levy of Betternent Contribution) Rules 1961 are hereby repealed.

FORM I

(*See* Rule 5(1)

Notice intimating the rates of basic contribution as determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Intimation is hereby given that the rates of the basic contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Villages or villages in which the lands are situated	Class of lands	S. No. or other particulars of the lands	Extent of lands	Rate of basic contribution payable	Remarks
1	2	3	4	5	6	7	8

Place :

Date :

Published on Betterment Levy Officer

Certified that the notice was published on the date specified above in the village Chavadi or ..... or .... village and announced in this village by tom-tom.

Village Headman

Karnam

Two Witnesses.

FORM II

(*See* Rule 5(2))

Notice intimating the rates of Special benefit contribution as determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Intimation is hereby given that the rates of Special benefit contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Village or villages in which the lands are situated	Class of land	S. No. or other particulars of the lands	Extent of lands	Period of supply of water	Rate of special benefit contribution payable	Remarks
1	2	3	4	5	6	7	8	9

Place :

Date : Tahsildar

Published on

Certified that the notice was published on the date specified above in the village Chavad or ..... of ..... village and announced in the villag by tom-tom.

FORM III

(See Rule 9)

Notice of demand for Basic Contribution under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

To

Shri
Patta No.
Village

Take notice that in respect of your land/lands, particulars of which are given below, a Basic contribution as specified therein has been determined and that you hould pay the amount due in 20 annual instalments commencing from . The instalment shall be payable on the first of each year. You have the option to pay the entire amount in two years from the date of service of this notice in which case you will be allowed a rebate of ten per cent.

Name of work	Classification of work	Village or villages in which the lands are situated	Class of land	S. No. of land	Extent of land	Rate of Basic contribution	Amount of basic contribution payable	Amount of basic contribution if any previously paid to Govt.	Balance of basic contribution payable	Amount of annual instalment	
1	2	3	4	5	6	7	8	9	10	11	1

Place :

Date:

Betterment Levy Officer

[No. PWD 11 LBW

By Order and in the name of the Governor of Mys

M. CHANNAPPA, *Dy. S*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

28-7-64

NOTIFICATION:

No.PWD 204 GSR 64, Bangalore, dated the Aug., 1964.

In exercise of the powers conferred by Section 11 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 23 of 1957) ~~as amended by the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1963,~~ the Government of Mysore hereby makes the following rules, the draft in Notification No PWD 11LBW 63 dated the 3rd July 1964 same having been ~~previously~~ published in the Mysore Gazette dated 28th July 1964 as required ~~as required~~ by Sub-section (1) of the said section, ~~in Notification No. GSR 204 dated 3-7-1964.~~ namely:-

(Here enter the Rules)

The Mysore Irrigation (Levy of Betterment Contribution) Rules, 1961 which were published in Notification No.PWD 47 JIG 59, dated 15-3-1961 are superseded.

Secretary to Government
P.W. & Electricity Dept

To

All the Divisional Commissioners
All Deputy Commissioners.
The C.E.(IP.)
The C.E.(General)
All S.Es. All E.Es
The A.G.
The R.D.
The L.D.
The F.D.
The Compiler, Mysore Gazette to print and publish the Rules in the Mysore Gazette.

Notification

In exercise of the powers conferred by section 11 of the Mysore Irrigation (Levy of Betterment contribution and water rates) Act, 1957 (Mysore Act No 28 of 1957) the Government of Mysore hereby makes the following rules, the draft of the same having been published in Notification No. PWD 11 LBH 63 dated the 3rd July 1964; in the Mysore Gazette dated 28th July 1964, as required by sub section (1) of the said section, namely:—

PUBLIC WORKS SECRETARIAT

NOTIFICATION.

Bangalore, dated the Sept., 1964.

PWD 11 LBM 63.- In exercise of the powers conferred by Section 11 of the Mysore Irrigation (Levy of Betterment Contribution and water Rate) Act, 1957 (Mysore Act No. 23 of 1957) the Government of Mysore hereby makes the following rules, the draft of the same having been published in Notification No. PWD 11 LBM 63 dated the 3rd July, 1964; in the Mysore Gazette dated 23th July, 1964, as required by sub-section (1) of the said section, namely:-

'UBLIC WORKS SECRETARIAT

NOTIFICATION.

Bangalore, dated the 3rd July 1964.

G. S. R. 204.—The following draft of the Mysor Irrigation (Levy of Betterment Contribution) Rules, 196 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 11 of the Mysor Irrigation (Levy of Betterment Contribution and Wate Rate), Act, 1957 (Mysore Act No. 28 of 1957), is hereb published as required by Sub-Section (1) of the said sectior for the information of persons likely to be affected thereb and notice is hereby given that the said draft will be take into consideration on or after the 30th July 1964.

Objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the aforesaid date, will be considere by the Government. Objections or suggestions may b addressed to the Secretary to Government, Public Work and Electricity Department, Vidhana Soudha, Bangalore-1

MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) RULES, 1964

1. **Title** :—These rules may be called the Mysor rrigation (Levy of Betterment Contribution) Rules 1964.

2. **Definition** :—In these Rules unless the contex otherwise requires—

(1) 'Act' means the Mysore Irrigation (Levy o Betterment Contribution and Water Rate) Act, 1957;

(2) 'Form' means a form appended to these Rules ;

(3) 'Section' means a section of the Act ;

of sub-section (2) of Section 3. -

The prescribed Officer for purposes of Sub-Sections (1) and (2) of Section 3 shall,

(1) in respect of lands under a major irrigation work or a medium irrigation work, be the Superintending Engineer of the Circle in which the irrigation work is situated;

(2) in respect of lands under a minor irrigation work, be the Executive Engineer of the Division in which the minor irrigation work is situated.

4. **Notification to be forwarded to Betterment Levy Officers and Tahsildars** :—The Officer specified in rule 3 shall forward a copy of the notification issued by him under Sub-section (2) of section 3 to the Betterment Levy Officer and the Tahsildar in whose jurisdiction any benefitted land is situated.

5. **Procedure to be adopted by the Betterment Levy Officer and the Tahsildar** :—(1) After determining the amount of basic contribution payable in respect of different lands under clause (a) of Sub-section (4) of section 4, the Betterment Levy Officer shall publish his order in Form I-A in the official Gazette and at the village Chavadi or Chavadis or any other public place in the village or villages in which the benefitted lands are situate.

(2) After determining the amount of special benefit contribution payable in respect of different lands under clause (b) of Sub-Section (4) of section 4, the Tahsildar shall publish his order in Form II in the official Gazette and at the Chavadi or Chavadis as defined in the Mysore Land Revenue Act 1964 in the village or villages in which the benefitted lands, are situated.

6. Appeal.—(1) An Appeal under clause (a) or clause (b) of Sub-section (5) of section 4, shall be accompanied by a copy of the order appealed against.

(2) The Deputy Commissioner or the Assistant Commissioner shall after giving a reasonable opportunity to

" e appelant of being heard pass such orders on the appeal as he deems fit. Where the Deputy Commissioner or the Assistant Commissioner orders any modification in the rates of basic contribution or special benefit contribution payable in respect of any, and such order shall be published in the Official Gazette.

7. **Demand Notice** :—(1) The Betterment Levy Officer shall issue a demand notice to the person liable to pay the basic contribution in Form III.

(2) Such notice shall be served on the assessee personally, and if he cannot be found, on any adult member of his family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

8. **Payment of Basic Contribution** :—The basic contribution shall be payable in twenty annual instalments, the first instalment being payable before the 30th April following the date of service of the written notice of demand under Rule 7.

9. **Rate of interest on arrears** :—Interest at the rate of six per cent per annum shall be payable on all amounts of arrears of basic contribution.

10. **Surrender of lands** :—(1) A landholder liable to pay the basic contribution, who desires to surrender the whole or any part of his land in lieu of the contribution payable by him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service of notice under rule 7.

(2) The application under sub-rule (1) shall contain the following particulars, namely :—

(1) The village in which the land is situated.

(2) The survey number and measurement of the land and assessment fixed in respect of the land.

(3) The price of the land as calculated by the applicant.

(4) The amount of basic contribution levied in respect of the land.

(5) If the applicant is surrendering only a part of the land, the measurement of such part and the price of such part as calculated by him.

(3) The Deputy Commissioner shall, on receipt of the application under sub-rule (2) and after such enquiry as he deems fit, determine the price of the land or part of the land proposed to be surrenderd, as the case may be, having regard to—

(a) the statistics of sales of similar land in the neighbourhood and

(b) the increase in capital value of the land.

11. Notice by Deputy Commissioner of the proposal to surrender:—(1) The Deputy Commissioner shall publish a notice containing the proposal to surrender the lands, the details of such lands and the value fixed therefor.

(2) The notice under sub-rule (1) shall be published in the village where the benefited land is situated and the officer authorised to make such publication shall furnish a certificate attested by at least two persons who are residents of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule (2) of rule 7 on all persons interested in the land as shown in the Record of Rights relating to such land.

(3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

(4) After the expiry of the period specified in sub-rule (3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer of surrender of land.

(5) The Deputy Commissioner may refuse to accept offer of surrender in the following cases, namely :—

(i) inaccessibility or inconvenient location of the land offered to be surrendered;

(ii) where such land is not irrigable or is not included in any area subject to a localised scheme of irrigation;

(iii) where such land is a fragment or where the acceptence of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdings;

(iv) where such land is not free from encumbrances.

12. Repeal :—The Mysore Irrigation (Levy of Betterıt Contribution) Rules 1961 are hereby repealed.

FORM I

(*See* Rule 5(1)

Notice intimating the rates of basic contribution as determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Intimation is hereby given that the rates of the basic contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Villages or villages in which the lands are situated	Class of lands	S. No. or other particulars of the lands	Extent of lands	Rate of basic contribution payable	Remarks
1	2	3	4	5	6	7	8

Place :

Date :

Published on

Betterment Levy Officer

Certified that the notice was published on the date specified above in the village Chavadi or ..... or .... village and announced in this village by tom-tom.

Village Headman

Karnam

Two Witnesses.

FORM II

(*See* Rule 5(2)

Notice intimating the rates of Special benefit contribution as determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Intimation is hereby given that the rates of Special benefit contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Village or villages in which the lands are situated	Class of land	S. No. or other particulars of the lands	Extent of lands	Period of supply of water	Rate of special benefit contribution payable	Rema
1	2	3	4	5	6	7	8	9

Place :

Date : Tahsildar

~~Published on~~

Certified that the notice was published on the date specified above in the village Cha or .... of .... village and announced in the vil by tom-tom.

Village Headman

Karnam

Two Witnesses

FORM III

(*See* Rule 9)

Notice of demand for Basic Contribution under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Village

Take notice that in respect of your land/lands, particulars of which are given below, a Basic contribution as specified therein has been determined and that you should pay the amount due in 20 annual instalments commencing from . The instalment shall be payable on the first of each year You have the option to pay the entire amount in two years from the date of service of this notice in which case you will be allowed a rebate of ten per cent.

Name of work	Classification of work	Village or villages in which the lands are situated	Class of land	S. No. of land	Extent of land	Rate of Basic contribution	Amount of basic contribution payable	Amount of basic contribution if any previously paid to Govt.	Balance of basic contribution payable	Amount of annual instalment	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Place :

Date:

Betterment Levy Officer

[No. PWD 11 LBW 63.]

By Order and in the name of the Governor of Mysore,

M. CHANNAPPA, *Dy. Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

38-7-64

NOTIFICATION

No. PWD 47 GIG 59, Bangalore, dated the 15th March 1961.

In exercise of the powers conferred by Section 11 of the Mysor Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Mysore Act 28 of 1957) the Government of Mysore hereb makes the following rules the same having been previously publishe as required by sub-section (1) of the said Section in notification Nc PWD 47 GIG 59, dated 10th October 1960.

C. J. VENKATESA DAS,

Deputy Secretary to Government,
Public Works Department.

RULES.

1. These rules may be called the Mysore Irrigation (Levy o tterment Contribution) Rules, 1961, and shall come into force fron e date of publication of these Rules in the *Mysore Gazette*.

2. In these rules, unless the context othewise requires —

(i) "Act" means the Mysore Irrigation (Levy of Bettermen ntribution and Water Rate) Act, 1957;

(ii) "Form" means a form appended to these rules;

(iii) "Gross produce" means the whole of the produce harves l from the land;

(iv) "weighted average" means the average gross incom rived at by multiplying the average gross income of the individua ops that enter into the crop pattern, by their respective area der the work, and dividing the total of these products for all th ops by the total area covered by the crops that enter into the cro

(v) "increased value" means —

(a) in the case of lands on which wet crops name schedule I are grown, seven and a half times weighted average gross income of the land;

(b) in the case of irrigated dry lands on which crops in ted in Schedule II are grown, five times the weig average gross income of the land;

(vi) "original value" means the market value of land d mined on the basis of average price of the land prevailing on about the date of issue of the notification referred to in Rule 4. represents the value of land before the benefits on account of work actually accrued to the land;

(vii) "section" means a section of the Act;

(viii) "year" means the year commencing from the 1st of each year and ending with 30th June of the succeeding year.

PART A—RULES FOR THE LEVY OF BETTERMENT CONTRIBUTION.

3. (a) The officer authorised by the Government for de mining the contribution under Section 4 of the Act shall, for the poses of these rules, be referred to as the "Betterment Levy Offic

(b) The Deputy Commissioner shall determine the contribu in all cases in which the estimated cost of the work exceeds ru one lakh and in cases where the work in question extends over m than one Revenue Sub-Division of the District.

(c) In all other cases, the Assistant Commissioner in cha of the Revenue Sub-Division shall be the authority to determine contribution:

Provided that in respect of works which are situate in m than one district, or in cases of special works situated in one or m districts, Government may appoint any other Officer as Spe Deputy Commissioner or Special Assistant Commissioner as the c may be, to determine the contribution.

4. Government or any other competent authority sanctionin work which is likely to involve the levy of betterment contributi shall publish a notification in the official Gazette indicating the int tion to commence the work and of actual sanction accorded to t work.

5. Government shall also issue a notification in respect of ev work which has been completed or which is in the process of constr ion from which irrigation facility can be provided,

6. After the issue of the notification referred to in Rule 5, the Engineer in charge of the work shall send to the Deputy Commissioner of the district a draft notification containing the following particulars :—

(*a*) the name of the work ;

(*b*) the details of lands situated in different villages, Taluk or Taluks including S. Nos. extent benefiting by the project ;

(*c*) the estimated cost of the project ;

(*d*) the nature of work whether it is construction, alteration, xpansion, or restoration ;

(*e*) whether betterment contribution under the Act is leviable;

(*f*) the acreage benefiting from the project either fresh or with dditional water supply.

7. On receipt of these particulars, the Deputy Commissioner hall decide whether he is to determine the contribution, or whether ne Assistant Commissioner in charge of the Sub-Division has to do i. The Deputy Commissioner may in special cases make a reference o Government through the Divisional Commissioner for appointment f Special Officers for determining contribution.

8. The Deputy Commissioner shall commence proceedings for he levy of betterment contribution. He shall publish by means of notification the fact of commencement of proceedings with a brief escription of the work to which the proceedings relate and of the ther particulars as furnished by the Engineer in charge of the works.

9. The Betterment Levy Officer shall proceed to examine factors hich shall go into the fixation of contribution after such consulta-on as he may deem necessary with the Engineer in-charge of the ork and when necessary with the District Agricultural Officer. On ne basis of such study he will propose tentative rates for betterment vy in respect of the several villages, benefiting classes of lands, or locks of land benefited.

10. Lands benefited under each work shall be divided on the llowing basis :—

(*a*) the nature of irrigation ;

(*b*) suitability of the soil for the kind of irrigation proposed.

11. All lands, which come under the *same assessment* and which, dged by the commandability are so situated as to derive the same mount of benefit from the work, shall be placed in the same class.

12. For purposes of determining the increase of capital value, he annual increase in the value of gross produce of each class of land hall be estimated.

13. In the case of a work whose construction, restoratio expansion or alteration was completed before the commencement the Act, the estimate of annual increase in the value of gross produ shall be made with reference to the average of the prices prevailir during the three years immediately preceding such commencemen and in the case of a work whose construction, restoration, expansion alteration is completed after the commencement of the Act, durin the three immediately preceding such completion.

14 (*a*) For determining the estimated increase, the capital valu of the land as on the date or about the date of issue of the notificatio under Rule 4 and in the case of a work commenced or complete prior to the coming into force of the Act, the date of commencemer of such work shall be ascertained.

(*b*) The value of the land shall be determined taking int consideration the average prices of lands of the kind in question i the locality according to the statistics of the sales and the estimat made after local enquiry. Where no other criteria are available c can be adopted the value of the land may be fixed on the basis of th principles applicable to cases in which cultivable waste is assigne by Government for other purposes, that is to say, normally, twenty five years' assessment of the land.

15. The value of the land after it receives the benefits of wate supply from the work, shall be determined after taking into accoun the estimated gross produce of the land and the price of such produce For this purpose, the standard yield per acre in respect of a particula kind of crop, or crops, according to the general crop pattern in particular class of lands as ascertained from the Agricultura Department shall be taken into account by the Betterme Levy Officer. The standard yield for this purpose will be the averag of the yields from the different crops which can be grown in the lan according to the crop pattern over a period of three years by th exercise of reasonable diligence by the grower. The figure for th estimated standard yield shall be given by the Agricultural Depart ment. The standard yield shall be determined by the crop cuttin expefiments in areas where such experiments have been conducted The gross produce will thus be estimated for each kind of crop tha can be grown on the land according to the crop pattern prescribed fc the area under the work. The average of gross produce over a perio of three years will be multiplied in the case of each crop by the averag price of the particular kind of crop over a period of five years preced ing the year, in which the determination is being made. The averag gross income of the several crops that enter into the crop patter namely, the weighted average, will be the average gross income fror

e land. Fifty per cent of the incrased value of the land shall be t
ntribution to be levied.

16. After the rate for Betterment Contribution is fixed in tl
nner, the Betterment Levy Officer shall cause its publication
e Official Gazette and also by a notice in Form No. I in the villa
Chavadi or any other public place in each village in which lar
benefited by the work are situated. The fact of such publicati
shall be announced by tom tom in each such village. On a duplic
copy of the notice, the village officer shall furnish a certificate
publication attested at least by two witnesses who are land-hold
affected by the levy.

17. Suggestions or objections against the rates specified in t
notice shall be preferred in writing to the Betterment Levy Offi
within thirty days from the date of publication of the notice.

18. The Betterment Levy Officer shall consider all the sugg
tions and objections received and finally decide the rates of Bett
ment Contribution leviable under the Act. He shall briefly rec
in a formal order for each class of lands or for each region, benefit
by the irrigation work, the suggestions and objections received
him and the basis on which the rates of Betterment Contributi
were finally fixed by him. The details and the date taken into acco
for fixing the Betterment Contribution shall be appended to the or
as annexures. The rates as finally decided shall be published
Form II in the Official Gazette and in the village concerned in t
manner specified in Rule 16.

19. An appeal against the order of the Betterm
Levy Officer under Rule 18 shall lie to the Deputy Comm
sioner if the Betterment Levy Officer is an Assist
Commissioner in charge of a Revenue Sub-Divis
and in all other cases to the Divisional Commissioner.

20. Such appeal shall be preferred within two months from t
date of receipt of the order appealed against, or within such furt
time, as the appellate authority may, for sufficient cause sho
grant in its discretion.

21. An appellate authority may call for and examine t
records and may pass such orders as it deems fit, after giving
party an opportunity of being heard.

22 Appeal petitions preferred under these rules shall bear co
fee stamps as prescribed in the Mysore Court Fees and St
Valuation Act, 1958.

23. Any modifications in the rates of Betterment Contribution ıade on appeal shall be notified by the Betterment Levy Officer in ıe official Gazette and in the villages concerned in Form III.

24. The Officer authorised to issue the notice of demand rescribed under Section 5 shall be the Tahsildar in whose jurisdic- on the land benefited is situated and the notice shall be in Form V. It shall be served personally on the land-holder and if he ınnot be found, on any adult male member of his family residing ith him, or by affixture at his last known residence, or sent by regis- red post to his last known address.

25. The annual instalment of Betterment Contribution shall be ıid in cash (where the contribution is payable in cash) on or before ıe 30th of June. Interest shall be charged at 5 per cent per annum ı the amount of arrears of contribution.

26. (i) Such of the land-holders as desire to surrender the hole or any part of their land under Section 6 of the Act shall ake an application to that effect in writing to the Betterment Levy fficer within one month from the date of service of notice of the ıal order fixing the contribution.

(ii) The land-holder shall state in the application :—

(*a*) The village in which the land is situated;

(*b*) Survey number and measurement of the land and the assessment fixed in respect of the land;

(*c*) the price of the land as calculated by the land-holder;

(*d*) the amount of betterment contribution leviable in respect of the land; and

(*e*) If the land-holder wishes to surrender any part of the land, the measurement of such part and the price of such part as calculated by him.

(iii) The Betterment Levy Officer on receipt of the application all ascertain the price of the land, or part of the land as the case ıy be, with reference to the statistics of sales of similar land in the ighbourhood and also with reference to the increased capital value the land, as determined under the Rules mentioned above.

27. The Betterment Levy Officer shall then notify the fact of ·render of lands with details by means of a notice in the village avadi, or any other public place in the village and the fact of such blication will also be announced by *tom tom* in the village or villages ıcerned and on the duplicate copy of the notice the village officers ıll furnish a certificate of publication attested at least by two ınesses who are residents of the village.

Objections, if any, regarding the lands proposed for surrender shall be preferred in writing to the Betterment Levy Officer within thirty days from the date of publication of the notice.

29. The Betterment Levy Officer shall consider the objections received and finally decide on the application for acceptance of surrender.

30. The Betterment Levy Officer may refuse to accept the surrender of land in the following cases :—

(i) lands not irrigable or localised under the irrigation work

(ii) where the land offered for surrender is a fragment, or where its acceptance results in fragmentation of a holding and is prohibited under any law for the time being in force relating to consolidation or prevention of fragmentation of holdings and where no such law is in force, the land offered for surrender or the extent left over in a survey number after such surrender is less than the minimum notified for each district or portion of a district by Government.

(iii) In case where no objection is received under Rule 28 but where the Deputy Commissioner has reason to believe that the land is not free from encumbrances.

R. SRINIVASAN,
Secretary to Government,
Public Works Department.

APPENDIX.

FORM I.

(*See* Rule 16)

Notice announcing the tentative rates of Betterment Contribution under the ıore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Village or villages in which the lands are situated.	Class of lands	Survey numbers and other particulars of the lands.	Extent of the lands.	Rate of Betterment Contribution per acre.	Remarks
2	3	4	5	6	7

Notice is hereby given that the lands mentioned above have been benefited by irrigation work and that it is proposed to fix the Betterment Contribution in ıect of those lands at the rates mentioned in column (6) and that any person ing the lands mentioned above or otherwise interested in such lands may send ıe Betterment Levy Officer his suggestions or objections within thirty days from late of the publication of this notice.

Betterment Levy Officer.

Published on

Certified that the notice was published on the date specified above in the ge chavadi or ..... of ..... village and announced ıe village by *tom-tom*.

Village Headman

Karnam

Two witnesses

APPENDIX.

FORM II.

(*See* Rule 18)

es of Betterment Contribution as finally determined under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Intimation is hereby given that the rates of betterment contribution specified below have been finally determined under Section 4 of the Act.

Name of work	Village or villages in which the lands are situated.	Class of Lands	Survey Number or other particulars of the lands.	Extent of Lands	Rate of Betterment Contribution payable.	Remarks
1	2	3	4	5	6	

Pla

Date

Betterment Levy Officer

Published on

Certified that the notice was published on the date specified above in the village chavadi or ..... of ..... village and announced in the village by *tom-tom*.

Village Headman

Karnam

APPENDIX

FORM III.

(*See* Rule 23.)

Notice intimating the rates of betterment contribution if modified under rule 23 of the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1957.

Intimation is hereby given that the rates of betterment contribution determined by the Betterment Levy Officer under Section 4 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rates) Act, 1957, and published at pages..... of the *Mysore Gazette*, dated.....have been modified by Deputy Commissioner/ Divisional Commissioner as specified below :—

Name of work	Villages in which the lands are situated.	Class of lands	Survey number or other particulars of the lands.	Extent of lands	Rates of betterment contribution fixed by the Betterment Levy Officer.	Rates of betterment contribution as modified.	Remarks
1	2	3	4	5	6	7	8

Place.....

Betterment Levy Offic

Dated.....

Published on..... .....

Certified that the notice was published on the date specified above in the village chavadi or.....of.....village and announced in the village by *tom-tom*.

Village headman.

Karnam

Two witnesses : (1) .....

(2) .....

APPENDI

FORM IV.

(*See* Rule 24.)

Notice of demand for Betterment Contribution under the Mysore Irrigation Levy of Betterment Contribution and Water Rate) Act, 1957.

To

Shri

Patta No.

Village.

Take notice that in respect of your land/lands, particulars of which are give below, a Betterment Contribution as specified therein has been determined and tha you should pay the amount due in 20 annual instalments commencing from . The instalment shall be payable on the first of each year. You have th option to pay the entire amount in two years from the date of service of this notic in which case you will be allowed a rebate of ten per cent.

Name of Work	Survey Number or other particulars of the land	Extent	Class fixed for Betterment-contribution.	Amount of Betterment - contribution fixed.	Amount of Contribution, if any previously paid to Govt.	Balance of Betterment contribution payable.	Amount of annual instalment.	
1	2	3	4	5	6	7	8	9

Place.....

Date.....

Betterment Levy Officer.

SCHEDULES.

SCHEDULE I

(i) Sugar Cane.
(ii) Paddy.
(iii) Plantain.

SCHEDULE II

(i) Jawar
(ii) Ragi
(iii) Potato.
(iv) Onion.
(v) Chillies.
(vi) Ground-nuts.
(vii) Cotton.
(viii) Any other crop, not being a manurial cro

By Order and in the name of the Governor of My

R. SRINIVASAN,
Secretary to Government
Public Works Departme

GOVERNMENT OF MYSORE

MYSORE GOVERNMENT SECRETARIAT

Issue Rules relating to Mysore Irrigation (Levy of Betterment - Contribution) Rules 1966.

G.O. No. PWD 11 LBW 63 DATED 19.9.66

May this be—

(i) printed ? yes

(ii) treated as a standing order ? yes

(iii) published in the Gazette, English Part ? yes

(iv) translated ? —

(v) placed at the disposal of the press ? yes

(vi) published in the Gazette, Kannada Part ? —

Memo no PWD 11 LBW 63 dated 19.9.66

Forwarded to the Compiler Mysore Gazette for publication in the next issue of the Gazette.
550 printed copies of the above rules may please be sent to the Superintendent Irrigation Section PWD for reference

Sd/ [illegible]
O/C

M.N. [illegible]
Under Sec to Govt
[illegible]

GOVERNMENT OF MYSORE

NO:PWD 11 LBW 63.

MYSORE GOVERNMENT SECRETARIA
VIDHANA SOUDHA
BANGALORE, DATED 19th SEPT.1

NOTIFICATION.

In exercise of the powers conferred by Section 11 of Mysore Irrigation(Levy of Betterment Contribution and Water Rate)Act, 1957(Mysore Act No.28 of 1957) the Government of Mysore hereby makes the following rules, the draft of the s having been published in Notification No.PWD 11 LBW 63 date the 3rd July, 1964; in the Mysore Gazette dated 28th July,1 as required by Sub-Section(1) of the said section, namely:-

RULES

1. TITLE:- These rules may be called the Mysore Irrig (Levy of Betterment Contribution)Rules 1964.

2. DEFINITION:- In these Rules unless the context oth wise requires:-

1) 'Act' means the Mysore Irrigation(Levy of Betterme Contribution and Water Rate)Act, 1957;

2) 'Form' means a form appended to these rules;

3) 'Section' means a section of the Act;

4) 'Year' means the year commencing from the first day of July.

3. Officers for purposes of sub-section(2)of Section 3:

The prescribed Officer for purposes of Sub-Sections(1) and (2) of Section 3 shall,

(1) in respect of lands under a major irrigation work or a medium irrigation work, be the Superintending Engineer o the Circle in which the irrigation work is situated;

(2) in respect of lands under a minor irrigation work, the Executive Engineer of the Division in which the minor irr gation work is situated.

4. Notification to be forwarded to Betterment Levy Officers and Tahsildars:- The Officer specified in rule 3 sha forward a copy of the notification issued by him under sub-section(2) of Section 3 to the Betterment Levy Officer and th Tahsildar in whose jurisdiction any benefitted land is situat

5. Procedure to be adopted by the Betterment Levy Officer and the Tahsildar:- 1) After determining the amount of basic contribution payable in respect of different lands u clause(a) of Sub-Section(4) of Section 4, the Betterment Levy Officer shall publish his order in Form I in the official Gazette and at the village Chavadi or Chavadis or any other public place in the village or villages in which the benefitt lands are situate.

2) After determining the amount of special benefit cont bution payable in respect of different lands under clause(b) Sub-Section(4) of Section 4, the Tahsildar shall publish his order in Form II in the official Gazette and at the Chavadi o Chavadis as defined in the Mysore Land Revenue Act, 1964 in t village or villages in which the benefitted lands are situate

contd....2.

6. Appeals:-(1) An Appeal under clause(a) or clause of Sub-Section(5) of Section 4, shall be accompanied by a copy of the order appealed against.

(2) The Deputy Commissioner or the Assistant Commis shall after giving a reasonable opportunity to the appela being heard pass such orders on the appeal as he deems fit Where the Deputy Commissioner or the Assistant Commission orders any modification in the rates of basic contributic special benefit contribution payable in respect of any, a such order shall be published in the official Gazette.

7. Demand Notice:-(1) The Betterment Levy Officer s issue a demand notice to the person liable to pay the ba contribution in Form III.

2) Such notice shall be served on the assessee personally, and if he cannot be found, on any adult member of his family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

8. Payment of Basic Contribution:- The basic contribution shall be payable in twenty annual instalments, the firs instalment being payable before the 30th April following the date of service of the written notice of demand under Rule 7

9. Rate of interest on arrears:- Interest at the rate of six per cent per annum shall be payable on all amounts of arrears of basic contribution.

10. Surrender of lands:-(1) A landholder liable to pay the basic contribution, who desires to surrender the whole c any part of his land in lieu of the contribution payable by him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service of notice under rule 7.

2) The application under Sub-rule(1) shall contain th following particulars, namely:-

1) The village in which the land is situated.
2) The survey number and measurement of the land and assessment fixed in respect of the land.
3) The price of the land as calculated by the applica
4) The amount of basic contribution levied in respect of the land;
5) If the applicant is surrendering only a part of th land, the measurement of such part and the price of such part as calculated by him.

3) The Deputy Commissioner shall, on receipt of the application under sub-rule(2) and after such enquiry as he deems fit, determine the price of the land or part of the land proposed to be surrendered, as the case may be, havin regard to:-

a) the statistics of sales of similar land in the neighbourhood and
b) the increase in capital value of the land.

11. Notice by Deputy Commissioner of the proposal t surrender:- The Deputy Commissioner shall publish a notic containing the proposal to surrender the lands, the detai such lands and the value fixed therefor.

2) The notice under sub-rule(1) shall be published in the village where the benefitted land is situated and the officer authorised to make such publication shall furnish a certificate attested by at least two persons who are resider of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule(2) of rule 7 on all persons interested in the land as shown in the Record of Rights rel ing to such land.

3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

4) After the expiry of the period specified in sub-ru 3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer of surrender of land.

5. The Deputy Commissioner may refuse to accept the offer of sufrender in the following cases, namely:-

i) inaccessibility or inconvenient location of the la offered to be surrendered;

ii) where such land is not irrigable or is not include in any area subject to a localised scheme of irri tion;

iii) where such land is a fragment or where the accepta of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdin

where such land is not free from encumbrances.

. Repeal:- The Mysore Irrigation(Levy of Betterment tion)Rules 1961 are hereby repealed.

Chandappa 19/9/6

Secretary to Government,
Public Works & Electricity Departm

9(

Notice intimating the rates of basic contribtuion as determined under the ... Betterment Contribution and Water Rate) Act, 1957.

Intimation is hereby given that the rates of the basic contribution specified below have been determined under Section 4 of the Act.

Name of work	Classification of work	Village or villages in which the lands are situated.	Class of lands	S.No. or other particulars of the lands.	Extent of lands	Rate of basic contribution payable.	Remarks.
1	2	3	4	5	6	7	8

Place:
Date:

Betterment Levy Officer

Published on

Certified that the notice was published on the date specified above in the village Chavadi or.....
.....or.....village and announced in this village by tom-tom.

Notice intimating the rates of Special-benefit contribution as determined under the Mysore Irrigation(Levy of Betterment Contribution and Water Rates)Act 1957.

Intimation is hereby given that the rates of Special benefit contribution specified below have been determined under Section 4 of the Act.

e of rk	Classification of work	Village or villages in which the lands are situated.	Class of lands	S.No.or other particulars of the lands	Extent of lands	Period of Supply of water.	Rate of special benefit contribution payable.	Remarks
1	2	3	4	5	6	7	8	9

Tahsildar

Published on

Certified that the notice was published on the date specified above in the village Chavadi or.....

.....or.....village and announced in this village by tom-tom.

llage Headman

rnam

o Witnesses.

Notice of demand for Basic Contribution under the Mysore Irrigation (Levy of Betterment Contribution and Water-Rate) Act, 1957.

To

Shri

Patta No.

Village

Take notice that in respect of your land/lands, particulars of which are given below, a Basic contribution as specified therein has been determined and that you should pay the amount due in 20 annual instalments commencing from . The instalment shall be payable on the first of each year. You have the option to pay the entire amount in two years from the date of service of this notice in which case you will be allowed a rebate of ten per cent.

Name of work	Classification of work	Village or villages in which the lands are situated	Class of land	S.No. of land	Extent of land	Rate of Basic contribution	Amount of basic contribution payable.	Amount of basic contribution if any previously paid to Govt.	Balance of basic contribution payable.	Amount of annual instalment.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

Place:
Date:

For Secretary to Government,
Public Works Department.

DRAFT:

No.PWD 11 LBW 63.

To

All the Supdtg. Engineers/Executive Engineers.
All D.C's

Sir,

Sub:-Mysore Irrigation(Levy of Betterment Contribution) Rules 1964 -

---

I am directed to state that the Mysore Irrigat (Levy of Betterment Contribution) Rules 1964 have be finally approved by Government and they have also bee issued under Government Notification No.PWD 11 LBW 63 dated 19-9-'64 (copy enclosed for ready reference). rules are also being published in the next issue of t Mysore Gazette. By promulgation of these rules, the original rules "Mysore Irrigation(Levy of Betterment Contribution) Rules 1961" issued under G.O.No.PWD 47 GIG 59, dated 15-6-'61 stand repealed.

In this connection, I am to invite your atten to the several obligatory functions cast on you by th various provisions of the Mysore Irrigation(Levy of Betterment Contribution) and Water Rate) Act 1957 as amended by Act No.8 of 1964 and the revised rules now issued thereunder. The Betterment Contribution now consist of basic contribution and special benefit co bution; the rates of which have been specified in the Section 4 of the Act No.8 of 1964. You are requested to keep in view the following important points while implementing these rules.

a) In respect of Major/Medium works, the S.Es of the concerned circles are the prescribed Officers and in respect of Minor Irrigatio works the E.Es of concerned Divisions are the prescribed officers for purposes of Sul Section 1 and 2 of Section 3 of the Act;

b) These Officers should forward a copy of the Notification issued by them under Section 3(2) xxxx to the Betterment Levy Officers

..p.t.o.

and to the Tahsildars in whose juridiction the benefit lands are situated.

c) the Betterment Levy Officers and the Tahsildars should determine the amount of Betterment Contribution and s publish the orders in the form appended to the rules i the official Gazette and the Village ~~Chowdadins~~. Chava

d) In respect of payment of basic contribution, the bette ment levy officers should issue a demand notice presc ~~bing the~~ form No. 8.III.

e) Under Sub-Section 4 of ~~the~~ Section 4 of the Act, the amount of basic contribution shall be determined by ~~the~~ Betterment Levy Officer and the amount of special ben fit contribution shall be determined by Tahsildar. A appeal against the order of Betterment Levy Officer sha lie to the Deputy Commissioner, and an appeal against order of Tashsildar shall lie to the Assistant Commi sioner. For recovery of the basic contribution, the procedure indicated in ~~the~~ rules 8 to 11 of the rules may be followed.

3. ~~Necessary~~ Steps for levy of contribution may please b taken by issuing necessary notification as contemplated un the provisions of the Acts and Rules before the end of No 1964, so that the demand notice could be served upon the b ficiaries ~~fix service~~ before the end of January 1965, and the first instalments of the levy becomes due for collection on ~~or before after~~ before 30-4-1965.

4. I am also to state that ~~the more~~ additional copies of the Act and Rules are required, the same may obtained from the Director of Printing & Stationery direct, by sending necessary requisition to him.

5. The Receipt of this ~~same~~ letter may please be acknowledged.

Yours faithfully,

Secretary to Government,
P.W.&Elecl.Deptt.

Copy of the above* is forwarded to:-

1. All the Divisional Commissioners
2. All the Chief Engineers.
3. ~~All the D.Cs of the Districts.~~

for information and for taking immediate necessary action for implementing the rules

Copy to:-

1. The Director of Printing & Stationery, Bangalore, for information with reference to para 1 above.

Copy to RD | FD for information, with a copy of Rules.

GOVERNMENT OF MYSORE

No.PWD 11 LBW 63

From : The Secy. to Govt.,
Public Works Deptt.

Mysore Government Secretariat,
Public Works Department,
Vidhana Soudha,
Bangalore, dated, 24-9-1964.

To

All the Superintending Engineers/Executive Engineers,
All Deputy Commissioners.

Sir,

Sub:-Mysore Irrigation (Levy of Betterment Contribution) Rules 1964 -

I am directed to state that the Mysore Irrigation (Levy of Betterment Contribution) Rules 1964 have been finally approved by Government and they have also been issued under Government Notification No.PWD 11 LBW 63, dated 19-9-1964 (copy enclosed for ready reference). These rules are also being published in the next issue of the Mysore Gazette. By promulgation of these rules, the original rules "Mysore Irrigation (Levy of Betterment Contribution) Rules 1961" issued under Government Order No.P D 47 GIG 59 dated 15-6-1961 stand repealed.

In this connection, I am to invite your attention to the several obligatory functions cast on you by the various provisions of the Mysore Irrigation (Levy of Betterment Contribution) and Water Rate Act 1957 as amended by Act No. 8 of 1964 and the revised rules now issued thereunder. The Betterment Contribution now consists of basic contribution and special benefit contributio the rates of which have been specified in Section 4 of the Act No. 8 of 1964. You are requested to keep in view the following important points while implementing these rules.

a) In respect of Major/Medium works, the S.Es of the concerned ~~xxxxxxx~~ circles are the prescribed officers and in respect of Minor Irrigation works the Executive Engineers of concerned Divisions are the prescribed officers ~~xx~~ for purposes of Sub Section I and 2 of Section 3 of the Act;

b) These Officers should forward a copy of the Notification issued by them under Section 3 (2) to the Betterment Levy Officers and to the Tahsildars in whose jurisdiction the benefitted lands are situated.

contd.....

c) the Betterment Levy Officers and the Tahsildars should determine the amount of Betterment Contribution and sho publish the orders in the form appended to the rules in the official Gazette and the Village Chavadies.

d) In respect of payment of basic contribution, the better ment levy officers should issue a demand notice prescri in Form No. III.

e) Under Sub-section 4 of Section 4 of the Act, the amount of basic contribution shall be determined by Betterment Levy Officer and the amount of special benefit contribution shall be determined by Tahsildar. An appeal against the order of Betterment Levy Officer shall lie to the Deputy Commissioner, and an appeal against the order of Tahsildar shall lie to the Assistant Commissioner. For recovery of the basic contribution, the procedure indicated in rules 8 to 11 of the rules may be followed.

3. Steps for levy of contribution may please be taken by issui necessary notification as contemplated under the provisions of Acts and Rules before the end of November 1964, so that the dem notice could be served upon the beneficiaries before the end of January 1965, and the first instalment of this levy becomes due for collection before 30-4-1965.

4. I am also to state that if additional copies of the Act ar Rules are required, the same may be obtained from the Director Printing and Stationery direct, by sending necessary requisit to him.

5. The receipt of this letter may please be acknowledged.

Yours faithfully,

Chandappa 21/9/64
(CHANDAPPA PATEL),
SECRETARY TO GOVERNMENT,
PUBLIC WORKS & ELECY.DEPTT.

Copy of the above with a copy of the rules is forwarded to -
1. All the Divisional Commissioners.
2. All the Chief Engineers, for information and for taking immediate necessary action for implementing the rules.

Copy to:-

1. The Director of Printing, Stationery, Bangalore for information with reference to para 4 above.

Copy to Revenue Department/Finance Department for information with a copy of Rules.

GOVERNMENT OF MYSORE

MYSORE GOVERNMENT SECRETARIAT
VIDHANA SOUDHA
BANGALORE, DATED 19th SEPT.1964.

NOTIFICATION.

In exercise of the powers conferred by Section 11 of the Mysore Irrigation(Levy of Betterment Contribution and Water Rate)Act, 1957(Mysore Act No.28 of 1957) the Government of Mysore hereby makes the following rules, the draft of the same having been published in Notification No.PWD 11 LBW 63 dated the 3rd July, 1964; in the Mysore Gazette dated 28th July,1964, as required by Sub-Section(1) of the said section, namely:-

RULES

1. TITLE:- These rules may be called the Mysore Irrigation (Levy of Betterment Contribution)Rules 1964.

2. DEFINITION:- In these Rules unless the context otherwise requires:-

1) 'Act' means the Mysore Irrigation(Levy of Betterment Contribution and Water Rate)Act, 1957;

2) 'Form' means a form appended to these rules;

3) 'Section' means a section of the Act;

4) 'Year' means the year commencing from the first day of July.

3. Officers for purposes of sub-section(2)of Section 3:-

The prescribed Officer for purposes of Sub-Sections(1) and (2) of Section 3 shall,

(1) in respect of lands under a major irrigation work or a medium irrigation work, be the Superintending Engineer of the Circle in which the irrigation work is situated;

(2) in respect of lands under a minor irrigation work, be the Executive Engineer of the Division in which the minor irrigation work is situated.

4. Notification to be forwarded to Betterment Levy Officers and Tahsildars:- The Officer specified in rule 3 shall forward a copy of the notification issued by him under sub-section(2) of Section 3 to the Betterment Levy Officer and the Tahsildar in whose jurisdiction any benefitted land is situated.

5. Procedure to be adopted by the Betterment Levy Officer and the Tahsildar:- 1) After determining the amount of basic contribution payable in respect of different lands under clause(a) of Sub-Section 4) of Section 4, the Betterment Levy Officer shall publish his order in Form I in the official Gazette and at the village Chavadi or Chavadis or any other public place in the village or villages in which the benefitted lands are situate.

2) After determining the amount of special benefit contribution payable in respect of different lands under clause(b) of Sub-Section(4) of Section 4, the Tahsildar shall publish his order in Form II in the official Gazette and at the Chavadi or Chavadis as defined in the Mysore Land Revenue Act, 1964 in the village or villages in which the benefitted lands are situated.

contd....2.

6. Appeals:-(1) An Appeal under clause(a) or clause(b) Sub-Section(5) of Section 4, shall be accompanied by a py of the order appealed against.

(2) The Deputy Commissioner or the Assistant Commissic all after giving a reasonable opportunity to the appelant ing heard pass such orders on the appeal as he deems fit. ere the Deputy Commissioner of the Assistant Commissioner ders any modification in the rates of basic contribution ecial benefit contribution payable in respect of any, and ch order shall be published in the official Gazette.

7. Demand Notice:-(1) The Betterment Levy Officer sha ssue a demand notice to the person liable to pay the basic ontribution in Form III.

2) Such notice shall be served on the assessee perso- ally, and if he cannot be found, on any adult member of hi amily residing with him or by affixture at his last known lace of residence or sent by registered post to his last nown address.

8. Payment of Basic Contribution:- The basic contrib ion shall be payable in twenty annual instalments, the fi nstalment being payable before the 30th April following t ate of service of the written notice of demand under Rule

9. Rate of interest on arrears:- Interest at the ra f six per cent per annum shall be payable on all amounts rrears of basic contribution.

10. Surrender of lands:-(1) A landholder liable to pa he basic contribution, who desires to surrender the whole any part of his land in lieu of the contribution payable t him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service c notice under rule 7.

2) The application under Sub-rule(1) shall contain following particulars, namely:-

1) The village in which the land is situated.

2) The survey number and measurement of the land an assessment fixed in respect of the land.

3) The price of the land as calculated by the appli

4) The amount of basic contribution levied in respe of the land;

5) If the applicant is surrendering only a part of land, the measurement of such part and the pric of such part as calculated by him.

3) The Deputy Commissioner shall, on receipt of th application under sub-rule(2) and after such enquiry as deems fit, determine the price of the land or part of th land proposed to be surrendered, as the case may be, hav regard to:-

a) the statistics of sales of similar land in the neighbourhood and

b) the increase in capital value of the land.

11. Notice by Deputy Commissioner of the proposal surrender:- The Deputy Commissioner shall publish a not containing the proposal to surrender the lands, the det such lands and the value fixed therefor.

2) The notice under sub-rule(1) shall be published in the village where the benefitted land is situated and the officer authorised to make such publication shall furnish a certificate attested by at least two persons who are residents of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule(2) of rule 7 on all persons interested in the land as shown in the Record of Rights relating to such land.

3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

4) After the expiry of the period specified in sub-rule (3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer of surrender of land.

5. The Deputy Commissioner may refuse to accept the offer of surrender in the following cases, namely:-

i) Inaccessibility or inconvenient location of the land offered to be surrendered;

ii) where such land is not irrigable or is not included in any area subject to a localised scheme of irrigation;

iii) where such land is a fragment or where the acceptance of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdings;

iv) where such land is not free from encumbrances.

12. Repeal:- The Mysore Irrigation(Levy of Betterment Contribution)Rules 1961 are hereby repealed.

Chandappa 19/9/64

Secretary to Government,
Public Works & Electricity Departmen

Patta N

Village

Take notice that in respect of your land/lands, particulars of which are given below, a Basic contributi
is specified therein has been determined and that you should pay the amount due in 20 annual instalments commer
ing from . The instalment shall be payable on the first of each year. You have the option
to pay the entire amount in two years from the date of service of this notice in which case you will be allowe
a rebate of ten per cent.

Name of work	Classification of work	Village or villages in which the lands are situated	Class of land	S.No. of land	Extent of land	Rate of Basic contribution	Amount of basic contribution payable.	Amount of basic contribution if any previously paid to Govt.	Balance of basic contribution payable.	Amount of annual instalment.	Remar
1	2	3	4	5	6	7	8	9	10	11	12

SUB: Mysore Irrigation (Levy of Betterment Contribution) Rules 1934.

The new Mysore Irrigation (Levy of Betterment Contribution) Rules, 1934 have been issued on the 19th instant. In this connection, I have sent a circular letter to the Superintending Engineers, Executive Engineers and all Deputy Commissioners and copied to you pointing out therein the several obligatory functions which have been cast on them as a result of the promulgation of these rules. They have been appraised of the important functions devolved on them and the need for prompt assessment of the contribution and collection so that Government dues do not fall into arrears due to untimely action.

~~2.~~ A Copy of the Rules and Circular No. PWD 11 LBW 33 dated 24-9-1934 are enclosed for ready reference.

~~I am to~~ ~~3. Government~~ consider that it would be very advantageous and appropriate that you call for a meeting of the Local P.W. and Revenue officers of your Division to impress on them the need for expeditious action as required by the Rules so that the contributions are collected in time ~~and the first instalment of this levy becomes due is collected before 30th April, 1935.~~

Please arrange for an early meeting in this connection and ~~report~~ intimate the action taken for

'om : The Secy. to Govt.,
Public Works Deptt.

Mysore Government Secretari
Public Works Department,
Vidhana Soudha,
Bangalore, dated, 24-9-1964.

All the Superintending Engineers/Executive Engineers,
All Deputy Commissioners.

ir,

Sub:-Mysore Irrigation (Levy of Betterment Contribution)
Rules 1964 -

I am directed to state that the Mysore Irrigation (Levy c etterment Contribution) Rules 1964 have been finally approved y Government and they have also been issued under Government otification No.PWD 11 LBW 63, dated 19-9-1964 (copy enclosed or ready reference). These rules are also being published i he next issue of the Mysore Gazette. By promulgation of the ules, the original rules "Mysore Irrigation (Levy of Betterm ontribution) Rules 1961" issued under Government Order No. P IG 59 dated 15-6-1961 stand repealed.

In this connection, I am to invite your attention to the several obligatory functions cast on you by the various provi of the Mysore Irrigation (Levy of Betterment Contribution) an Water Rate Act 1957 as amended by Act No. 8 of 1964 and the revised rules now issued thereunder. The Betterment Contrib now consists of basic contribution and special benefit contri the rates of which have been specified in Section 4 of the Ac No. 8 of 1964. You are requested to keep in view the followi important points while implementing these rules.

a) In respect of Major/Medium works, the S.E. of the concerned ~~xxxxxxx~~ circles are the pr officers and in respect of Minor Irrigation works the Executive Engineers of concerned Divisions are the prescribed officers ~~xx~~ for purposes of Sub Section I and 2 of Section 3 of the Act;

b) These Officers should forward a copy of the Notification issued by them under Section 3 (2) to the Betterment Levy Officers and to

c) the Betterment Levy Officers and the Tahsildars shou determine the amount of Betterment Contribution and publish the orders in the form aprended to the rules in the official Gazette and the Village Chavadies.

d) In respect of payment of basic contribution, the bet ment levy officers should issue a demand notice pres in Form N . III.

e) Under Sub-section 4 of Section 4 of the Act, the amount of basic contribution shall be determined by Betterment Levy Officer and the amount of special benefit contribution shall be determined by Tahsilda An appeal against the order of Betterment Levy Offic shall lie to the Deputy Commissioner, and an appeal against the order of Tahsildar shall lie to the Assistant Commissioner. For recovery of the basic contribution, the procedure indicated in rules 8 to 11 of the rules may be followed.

3. Steps for levy of contribution may please be taken by is necessary notification as contemplated under the provisions Acts and Rules before the end of November 1964, so that the notice could be served upon the beneficiaries before the end January 1965, and the first instalment of this levy becomes for collection before 30-4-1965.

4. I am also to state that if additional copies of the Act and Rules are required, the same may be obtained from the Director of Printing and Stationery direct, by sending necessary requisition to him.

5. The receipt of this letter may please be acknowledged.

Yours faithfully,

Chandappa 24/9/64
(CHANDAPPA PATEL),
SECRETARY TO GOVERNMENT,
PUBLIC WORKS & ELECY.DEPTT.

Copy of the above with a copy of the rules is forwarded to:-
1. All the Divisional Commissioners.
2. All the Chief Engineers, for information and for taking immediate necessary action for implementing the rules.

Copy to:-

1. The Director of Printing, Stationery, Bangalore for information with reference to para 4 above.

Copy to Revenue Department/Finance Department for informatio with a copy of Rules.

GOVERNMENT OF MYSORE

MYSORE GOVERNMENT SECRETARIAT
VIDHANA SOUDHA
BANGALORE, DATED 19th SEPT.1964.

NOTIFICATION

In exercise of the powers conferred by Section 11 of the Mysore Irrigation(Levy of Betterment Contribution and Water Rate)Act, 1957(Mysore Act No.28 of 1957) the Government of Mysore hereby makes the following rules, the draft of the same having been published in Notification No.PWD 11 LBW 63 dated the 3rd July, 1964, in the Mysore Gazette dated 28th July,1964, as required by Sub-Section(1) of the said section, namely:-

RULES

1. TITLE:- These rules may be called the Mysore Irrigatic (Levy of Betterment Contribution)Rules 1964.

2. DEFINITION:- In these Rules unless the context otherwise requires:-

1) 'Act' means the Mysore Irrigation(Levy of Betterment Contribution and Water Rate)Act, 1957;

2) 'Form' means a form appended to these rules;

3) 'Section' means a section of the Act;

4) 'Year' means the year commencing from the first day of July.

3. Officers for purposes of sub-section(2)of Section 3:-

The prescribed Officer for purposes of Sub-Sections(1) and (2) of Section 3 shall,

(1) in respect of lands under a major irrigation work or a medium irrigation work, be the Superintending Engineer of the Circle in which the irrigation work is situated;

(2) in respect of lands under a minor irrigation work, be the Executive Engineer of the Division in which the minor irrigation work is situated.

4. Notification to be forwarded to Betterment Levy Officers and Tahsildars:- The Officer specified in rule 3 shall forward a copy of the notification issued by him under sub-section(2) of Section 3 to the Betterment Levy Officer and the Tahsildar in whose jurisdiction any benefitted land is situated

5. Procedure to be adopted by the Betterment Levy Officer and the Tahsildar:- 1) After determining the amount of basic contribution payable in respect of different lands under clause(a) of Sub-Section(4) of Section 4, the Betterment Levy Officer shall publish his order in Form I in the official Gazette and at the village Chavadi or Chavadis or any other public place in the village or villages in which the benefitted lands are situate.

2) After determining the amount of special benefit contribution payable in respect of different lands under clause(b) of Sub-Section(4) of Section 4, the Tahsildar shall publish his order in Form II in the official Gazette and at the Chavadi or Chavadis as defined in the Mysore Land Revenue Act, 1964 in the village or villages in which the benefitted lands are situated.

6. Appeals:-(1) An Appeal under clause(a) or clause(b) of Sub-Section(5) of Section 4, shall be accompanied by a copy of the order appealed against.

(2) The Deputy Commissioner or the Assistant Commissic shall after giving a reasonable opportunity to the appelant beingheard pass such orders on the appeal as he deems fit. Where the Deputy Commissioner of the Assistant Commissioner orders any modification in the rates of basic contribution (special benefit contribution payable in respect of any, and such order shall be published in the official Gazette.

7. Demand Notice:-(1) The Betterment Levy Officer sha issue a demand notice to the person liable to pay the basie contribution in Form III.

2) Such notice shall be served on the assessee perso- nally, and if he cannot be found, on any adult member of hi family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

8. Payment of Basic Contribution:- The basic contrit tion shall be payable in twenty annual instalments, the fir instalment being payable before the 30th April following th date of service of the written notice of demand under Rule

9. Rate of interest on arrears:- Interest at the ra of six per cent per annum shall be payable on all amounts (arrears of basic contribution.

10. Surrender of lands:-(1) A landholder liable to pa the basic contribution, who desires to surrender the whole any part of his land in lieu of the contribution payable b him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service o notice under rule 7.

2) The application under Sub-rule(1) shall contain t following particulars, namely:-

1) The village in which the land is situated.

2) The survey number and measurement of the land anc assessment fixed in respect of the land.

3) The price of the land as calculated by the appli

4) The amount of basic contribution levied in respe of the land;

5) If the applicant is surrendering only a part of land, the measurement of such part and the pric of such part as calculated by him.

3) The Deputy Commissioner shall, on receipt of the cation under sub-rule(2) and after such enquiry as h fit, determine the price of the land or part of the proposed to be surrendered, as the case may be, havi d to:-

a) the statistics of sales of similar land in the neighbourhood and

b) the increase in capital value of the land.

11. Notice by Deputy Commissioner of the proposal t nder:- The Deputy Commissioner shall publish a noti ining the proposal to surrender the lands, the deta

2) The notice under sub-rule(1) shall be published in the village where the benefitted land is situated and the officer authorised to make such publication shall furnish a certificate attested by at least two persons who are residents of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule(2) of rule 7 on all persons interested in the land as shown in the Record of Rights relating to such land.

3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

4) After the expiry of the period specified in sub-rule (3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer of surrender of land.

5. The Deputy Commissioner may refuse to accept the offer of sufrender in the following cases, namely:-

i) Inaccessibility or inconvenient location of the land offered to be surrendered;

ii) where such land is not irrigable or is not included in any area subject to a localised scheme of irrigation;

iii) where such land is a fragment or where the acceptance of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdings;

iv) where such land is not free from encumbrances.

12. Repeal:- The Mysore Irrigation(Levy of Betterment tribution)Rules 1961 are hereby repealed.

Chandappa 19/9/68

Secretary to Government,
Public Works & Electricity Departmen

9(

Take notice that in respect of your land/lands, particulars of which are given below, a Basic contribution s specified therein has been determined and that you should pay the amount due in 20 annual instalments commen- ing from . The instalment shall be payable on the first of each year. You have the option o pay the entire amount in two years from the date of service of this notice in which case you will be allowed rebate of ten per cent.

ame of work	Classification of work	Village or villages in which the lands are situated	Class of land	S.No. of land	Extent of land	Rate of Basic contribution	Amount of basic contribution payable.	Amount of basic contribution if any previously paid to Govt.	Balance of basic contribution payable.	Amount of annual instalment.	Remark
1	2	3	4	5	6	7	8	9	10	11	12

Place:
Date:

Kindly refer to the Government letter No. PWD 11 LBW 63 dated 24th September 1964 addresse to the Deputy Commissioners and the Superintendi Engineers and the Executive Engineers copy of wh also have been endorsed to you, regarding enfor of Mysore Irrigation (Levy of Betterment Contrib Rules, 1964.

The intention of the Government is that the contribution should become due from atleast 1st April 1965. ~~and~~ In this regard several preliminar steps have to be taken by the officers of the P.W.Department and the Revenue Department ~~for~~ x i collection of the Contribution is to start from April 1965. These have been detailed in the letter referred to above, which are however, based upon the ~~procedure of~~ provisions of the rules, 1964. I wonder whether it would be useful if a meeting of the concerned officers is convened in your chambers to explain the obligatory functions, th officers of the P.W.Department and the Revenue Department have to perform on a priority basis if the object of the Govt. is to be achieved i.e. 1st instalment of the Betterment Contribution is to become due from the month of April 1965. You would perhaps remember, a ~~m~~ brief reference to this aspect was made during the last meeting of the State Level Working Group. Early action in this regar is requested.

The Rules are being published in the next i of the Gazette i.e. 1st October 1964.

Kindly refer to the Government letter No. MUD 11 LET 57 dated 26th September 1964 addressed to the Deputy Commissioners and the Superintending Engineers and the Executive Engineers copy of which also have been endorsed to you, regarding enforcement of Mysore Irrigation (Levy of betterment contribution) Rules, 1964.

The intention of the Government is that the contribution should become due from atleast 1st April 1965 and in this regard several preliminary steps have to be taken by the officers of the P.W.Department and the revenue Department ~~xxx~~ if collection of the contribution is to start from April 1965. These have been detailed in the letter referred to above, which are however, read with the provisions of the rules, 1964. I wonder whether it would be useful if a meeting of the concerned officers is convened in your chambers to explain the obligatory functions, the officers of the P.W.Department and the Revenue Department have to perform if the object of the Govt. is to be achieved i.e. 1st instalment of the Betterment Contribution is to become due from the month of April 1965. You would perhaps remember a mu brief reference to this aspect was made during the last meeting of the State Level Working Group. Early action in this regard is requested.

The rules are being published in the next issue of the Kannada i.e. 1st October 1964.

D.O.No. PWD 11 LBS 63

Dear Shri (by name to all the Dl. Commissioners)

Kindly refer to the Government letter No. PWD 11 LBS 63 dated 24th September 1966 addressed to the Deputy Commissioners and the Superintending Engineers and the Executive Engineers copy of which have also been endorsed to you regarding enforcement of Mysore Irrigation (Levy of Betterment Contribution) Rules,1966.

2. The intention of the Government is that the contribution should become due from at least 1st April, 1969. In this regard several preliminary steps have to be taken by the Officers of the P.W.Department and the Revenue Department if collection of the contribution is to start from April, 1969. These have been detailed in the letter referred to above, which are, however, based upon the provisions of the Rules, 1966. I wonder whether it would be useful if a meeting of the concerned Officers is convened in your chambers to explain the obligatory functions, the Officers of the P.W.Department and the Revenue Department have to perform on a priority basis if the object of the Government is to be achieved i.e. 1st instalment of the Betterment Contribution is to become due for collection from the month of April, 1969. You would perhaps remember, a brief reference to this aspect was made during the last meeting of the State Level Working Group. Early action in this regard is requested.

3. Government desire that this work should be attended to very early and there should be fullest cooperation among the departments concerned and instead of correspondence only frequent meetings may be held and matters of difference if any ironed out

4. [illegible]

of the Income Tax Act, 1961.
(Chief Commissioner of Income Tax)

Yours sincerely,

[illegible]

o/c (CHIEF [illegible])

Issued
Dated 6/12/62

266 ~~204~~

Office of the Compiler,
Mysore Gazette, Bangalore.
Date: ~~14th~~ Aug. 1964

To

The Under Secretary to Government
Public Works Department (S)
Bangalore

Sir,

Sub: Notification Publication and supply of spare copies.

With reference to your letter No PWD 11 LBW 63 dated 10-8-64, I write to state that the Notification has already been published on page 658-65 in part IV2C(i) of Mysore Gazette dated 16-7-64.

The required no of spare copies have already been suplied on ~~dated~~ 14-8-64.

MYSORE GOVT. SECRETARIAT
No. 1002 1200
19 AUG 1964
P. W. D. (MANUSCRIPT)
Spl. Grade

Yours faithfully,
krishnamurthy
For Compiler 18/8

Spare Copies has been received from the Govt Printing Press. The file has been sent to Law dept ~~[illegible]~~ on 21-8-1964. Returning the file may be authorized

21/8/64

Subject:- The Upper Irrigation (Levy of Betterment Contribution) Rules 1964 — implementation of Rules..

Dear Sir,

I am directed to invite your reference to ~~the Dept~~ D.O. letter no. PWD 11/Misc/63 dt. 6.x.1963 addressed to you by the Secy. PWD & the Dept on the above subject.

It was requested therein to convene a meeting of the Concerned Officers in your Chambers to explain the obligatory functions, the officers of the PWD and the Rev. Dept. have to perform on a priority basis if the object of Govt is to be achieved etc.

Govt are anxious to know the progress made so far in this regard.

I request you kindly to send a report of action taken in regard to the levy of Betterment Contribution for information of Govt

M.CHANNAPPA, B.E., A.M.I.E.,
Deputy Secretary to Government,
Public Works Department (Irrn.).

Mysore Government Secretariat,
Vidhana Soudha,

Bangalore, dated 30 October, 1964.

D.O.No.PWD 11 LBW 63.

Dear Sir,

Sub:-The Mysore Irrigation (Levy of Betterment Contribution) Rules 1964-implementation of Rules.

I am desired to invite your reference to D.O. letter No.PWD 11 LBW 63 dated 6-10-1964 addressed to you by the Secretary, Public Works & Electricity Department on the above subject. It was requested therein to convene a meeting of the concerned officers in your Chambers if necessary to stress the need in regard to Betterment Levy and also to explain the obligatory functions the officers of the Public Works Department and the Revenue Department have to perform on a priority basis if the object of Government is to be achieved etc.

Government are anxious to know the progress made so far in this regard.

I request you kindly to ~~xxxx~~ send a report of action taken in regard to this levy of Betterment Contribution for information of Government.

Issued
Dated 31-10-64

Yours sincerely,

30/10/64

To

T.V. REDDI, I.A.S.,
Divisional Commissioner,
Bangalore Division.

M.G.I.D.Buildings,
Bangalore. dated. Novr., 6th, 1964.

D.O.No. IRR. 43 of 64-65.

Dear Sri, Chennappa,

No 1754
9 NOV 1964
P.W.D. (RECEIPT &

Sub: Mysore Irrigation (Levy of Betterment Contributions) Rules 1964 - Implementation of Rules.

Ref: Your D.O. letter No. PWD 11 LBW 63 dt. 31-10-1964.

As desired in the D.O. letter No. PWD 11 - 63 LBW 63 dated 6-10-1964 of Sri Chennappa Patil, Secretary to Government, Public Works ~~Department~~, and Electrical Department instructions have already issued to the Deputy Commissioners of the Division to take immediate action to implement the provisions of the rules referred to above in consultation with the officers ~~and~~ of the Public Works Department. A copy of my letter is enclosed for ~~the~~ information. I could not convene a meeting of the Deputy Commissioners, Superintending Engineers and - - Executive Engineers earlier as I was engaged in connection with the Food work. However I have fixed the meeting of the said officers on 16-11-1964, for discussing the matter and taking further action. A further report will be sent in the matter after the meeting.

Yours sincerely,

T. V. Reddi

To:

Sri M. Chennappa, B.E., A.M.I.E.,
Deputy Secretary to Government,
Public works department(Irrigation),
Mysore Government Secretariat, Bangalore.

Office of the Divisional Commissioner,
Bangalore Division,
Dated, Bangalore, 23rd Oct. 1964.

Subject:- Enforcement of Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964

I write to state that the Govt. are very keen that the First Instalment of Betterment Contribution is to become due for collection from the month of April 1965. In this regard several preliminary steps have to be taken by the Officers of the Public Works Department and Revenue Department, if collection of the contribution is to start from April 1965. Government also are particular that this work should be attended to very early and there should be fullest co-operation among the Departments concerned and instead of correspondence only frequent meetings may be held and matters and differences, if any, ironed out and decisions implemented with the least delay.

In this connection, I invite your attention to the letter from the Secretary to Government, Public Works Department, in his No. PW 11 LBW 63 dated 24-9-64 addressed to all the Deputy Commissioners, Superintending Engineers and Executive Engineers detailing the implications of the 1957 Act as amended by the Act 8 of 1964 and the Rules of 1964.

I therefore request you to kindly take action to implement the provisions of the above Act with the least possible delay and to take necessary steps in this behalf. If any difficulty is found or experienced, a report may be sent to this office for necessary clarification and all questions of difficulties can be discussed at a meeting that will be held in my Chambers at Bangalore consisting of Deputy Commissioners, Superintendent Engineers and the Executive Engineers. The date of the Meeting will be intimated to you in due course. In the meanwhile, please take action to implement the provisions in consultation with the Officers of the Public Works Department.

Subject: The Mysore Irrigation (Levy of Betterment Contribution) Rules Implementation of.

Kindly refer to my D.O.letter No.PWD 11 dated 6-10-1963 and subsequent reminder thereto dated 31-10-1964 on the above subject.

As was mentioned in the letter under re: the intention of Government is that the contrib should become due from at least 1st April 1965. was also suggested that it would be useful if a of the concerned officers was convened in your to explain the obligatory functions of the offi of the P.W.Dept. and the Revenue Dept and a pro of action chalked out. Government is anxious t the action taken in this regard.

I should be grateful for favour of an ear

Yours sincerel

All the Divisional Commissioners by name (Except Bangalore Division)

ISSUED
Dated 12/11/64

GOVERNMENT OF MYSORE

M.S. Swaminathan,
Divisional Commissioner,
Belgaum Division.

BELGAUM,
Dated 11-11-*1964*.

D.O. No. GB/IRR SR 231.

Dear Shri Chandappa Patel,

SECRETARY TO GOVERNMENT
No. 1538,
16 NOV. 1964
PUBLIC WORKS & ELEC. DEPT.

Subject : The Mysore Irrigation (Levy of Betterment Contribution) Rules 1964. Implementation of --

Please refer to your D.O.letter No. PWD 11 LBW 63 dated 6-10-1964 and your Deputy Secretary's D.O.letter dated 31-10-1964.

I convened a meeting of all the Deputy Commissioners n the Division on 8-11-1964 at Belgaum for discussion of his subject along with other urgent matters. As this eeting had to be convened at very short notice, the - - uperintending Engineers and other P.W.D.Officers could not e invited. Also it seemed to me more convenient that th eputy Commissioners should meet the "Prescribed Officer f the P.W.D. in their respective jurisdiction instead o assembling all of them here.

In the meeting held on 8-11-1964, I explained to eputy Commissioners the important provisions of the Act nd the Rules and the obligatory functions of the Office f the P.W.D. and the Revenue Department had to perform. have also given the Deputy Commissioners a cyclostyled opy of the Act with all the amendments posted upto-date have requested the Deputy Commissioners to call immedi meeting of the Officers of the P.W.D. and Revenue Dept oncerned in the district and to ensure as desired by Go hat the necessary notifications as contemplated under t rovisions of the Act and Rules are issued and published efore the end of November 1964, so that the Betterment ontributions could be determined and demand notice coul erved upon the beneficiaries before the end of January nd the first instalment of this levy becomes due for

GOVERNMENT OF MYSORE.

NO.REV/348/JAM/64-65.

OFFICE OF THE
DIVISIONAL COMMISSIONER,
GULBARGA.

Dated:- 13 . 11 . 64

To

The Secretary to Government of Mysore,
Public Works Department,
Bangalore.

Sub:- The Mysore Irrigation(Levy of Betterment and Water Rate) Act,1957 and the Rules of 1964 made thereunder-Powers to be delegated to the Asst.Commissioners of the Sub-Division.

****

Sir,

The Mysore Irrigation(Levy of Betterment Contribution Water Rate Rules 1964, have come into force with immediate effect. Preliminary wo: of levying contribution has to be completed by the end of November 1964. Demand Notices have to be served on the beneficiaries before the end of January 1965 and the first instalment of this levy has to be recovered before 30th April 1965.

There is no Betterment Levy Officer functioning at present in thi Division to attend to the above work.

As per sub-section 1(b) of section 2 of the Mysore Irrigation - (levy of Betterment contribution water rate) Act 1957, Government has to appoint Betterment Levy Officers in respect of any area or Irrigation work. I, therefore, propose that the Assistant Commissioners of the Sub-Division may be appointed as Ex-Officio-Betterment Levy Officers - within their jurisdication so that the priliminary work of levying contribution may be taken up and completed within the stipulated period.

In view of urgency I am instructing the Assistant Commissioners of the Sub-Divisions to go ahead with the work in anticipation of the approval of Government.

Yours faithfully,

Sd/-
(G.V.K.RAO)IAS.,
DIVISIONAL COMMISSIONER,
GULBARGA.

DIRECTOR GOVT. SECRETARIAT
No. 1777.
16 NOV 1964
P.W.D. (RECEIPT DIVISION)

py to Secretary to Government of Mysore,Revenue Department,Bangalore.

py to the Asst.Commissioners of Gulbarga,Yadgir,Raichur,Lingsugur, ppal and Bidar sub-divisions with a request to go ahead with the work Betterment Levy Contribution as per provision of the Act and the les thereunder. The should complete the preliminary work of levy-g contribution by the end of this month, and see that notices are rved on the beneficiaries by the end of January 1965 at the latest so at the first instalment of contribution may be recovered by the d of April,1965.

py to the Dy.Commissioners of the Division for information and cessary action.

In exercise of the powers conferred by ~~under~~ clause (b) of sub-section 1 (~~b~~) of Section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) ~~Amendment~~ Act. 1957 (Repealing Act No. 25 of 1957), the Government of Mysore hereby appoint the Asst. Commissioners of the Revenue Sub-divisions ~~(Rev. Dept.)~~ in each district to be the ~~as ex-officio~~ Betterment Levy Officers within their respective jurisdiction w~~ith immediate effec~~ for purposes of levy of Betterment Contribution as per Section 4(4) (a) of the Said Act.

By Order & in the name of
the Governor of Mysore.

U.S. to Govt., PWD.

Betterment Contribution) Rules, 1964, the three forms appended to Notification No. PWD 11 LBW 63 dated 19-9-1964 viz. the Notices intimating the rates of basic contribution, Special benefit Contribution, and Basic Contribution are immediatel required by the Deputy Commissioners of Districts.

2. The Deputy Commrs. will separately intimate the number of copies of these from which will be required by them ultimately. ~~I am, therefore to request you kindly to print and supply the forms required by the Deputy Commrs. and the P.W.D. Officers in accordance with their indents well in time so that their work may not be dislocated for want of forms.~~

3 In the meantime, I am directed to request you to print and supply 1000 copies of each of the abov forms immediately to each of the D.Cs.

4 Immediate arrangements may kindly be made to take up the printing of these forms and copies ~~should be~~ sent by the 15th of December, 1964. to all D.Cs

Y/f.,

U.S. to Govt., PWD.

Copy to all D.Cs. They are requested to
imate the ~~first~~ No. of copies of the forms
uired to the Director of Printing & Stationary
editiously. In the meantime, he may be remind
100
copies as ~~suggested~~ in the lette

Copy to all Divisional Commrs.
Weekly Gazette.

R. SRINIVASAN,
Divisional Commissioner,
Mysore Division, Mysore.

MYSORE.

Dated. 19-11-1964.

D.O. Letter No. IRR./580 /'64-'65.

MYSORE GOVT. SECRETARIAT
No 1818
20 NOV 1964

Dear Shri Chandappa Patel,

SECRETARY TO GOVERNMENT
NOD 1570
20 NOV 1964
PUBLIC WORKS & ELEC. DEPT.

Sub: The Mysore Irrigation (Levy of Betterment Contribution), 1964 - Implementation of -

Please refer to your letters No. PWD.11-LBW-63, dated 6-10-1964 and 13-11-1964. As suggested by you in your letter of the 6th October, 1964, the subject was discussed by me at a Conference of Deputy Commissioners and the Superintending Engineers of this Division, who were present in connection with the Divisional Level Co-ordination Committee Meeting held on 17-11-1964, at Mysore. Since some of the officers had not come prepared for a discussion on the subject in all its details, we could not take firm decisions. I have again called for a meeting of the Deputy Commissioners and the Superintending Engineers of this Division on 12-12-1964 to discuss this particular subject. I shall inform you of the decisions and the action taken in this regard, soon thereafter.

Yours sincerely,

R. Srinivasan.
19.11.64

Shri Chandappa Patel,
Secretary to the Government of Mysore,
Public Works and Electricity Department,
'Vidhana Soudha',
Bangalore -1.

M.S.Swaminathan,
Divisional Commissioner,
Belgaum Division.

D.O. No. GB/IRR-SR-231.

SECRETARY TO GOVERNMENT
1574
20 NOV 1964
PUBLIC WORKS & ELEC. DEPT.

278

BELGAUM,
Dated 17-11-1964.

Dear Shri Chandappa Patel,

Subject:- The Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964- Implementation of.

.....

Please refer to your D.O.letter No.PWD.11. LBW-63 dated 13-11-1964 (Received in this office on 16-11-1964) on the above subject. A detailed reply has already been sent to you under this offi D.O.letter No. even dated 11-11-1964, the receipt of which may please be confirmed.

21 NOV 1964

MYSORE GOVT. SECRET... P.W.D. (B...)
1828
21 NOV 1964

Yours sincerely,

(M.S.Swaminathan).

Shri Chandappa Patel,
Secretary to Government,
Public Works & Electrical
Department, BANGALORE.

GOVERNMENT OF MYSORE

NO.PWD 11 LBW 63

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated:24th Nov.'64

From

The Secretary to the Govt. of Mysore,
Public Works & Elecy.Department.

To

The Director of Printing & Stationery
Bangalore

Sir,

Sub: The Mysore Irrigation (Levy of Betterment Contribution) Rules 19
Implementation of

1) To implement the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964, the three forms appended to Notification No.PWD 11 LBW 63 dated 19-9-1964 viz. the Notice intimating the rate of basic contribution, Special benefit Contribution and Basic Contribution are immediately required by the Deputy Commissioners of Districts.

2) The Deputy Commissioners will separately intimate the number of copies of these forms which will be required by them ultimately.

3) In the meantime, I am directed to request you to print and supply 1000 copies of each of the above forms immediately to each of the Deputy Commissioners.

4) Immediate arrangements may kindly be made to take up the printing of these forms and copies sent by the 16th December, 1964 to all Deputy Commissioners.

Yours faithfully,

ISSUED
Dated...24/11/64

(Sd)

(M.W.Winston)
Under Secretary to Govt.P.W.D.

Copy to all Deputy Commissioners. They are requested to intimate the number of copies of the forms required to the Director of Printing and Stationery expeditiously. In the meantime, he may be reminded for the immediate supply of the 1000 copies as para 3 of the letter.

Under Secy. to Govt.P.W.

Copy to:-
All Divisional Commissioners.
Revenue Department,
Weekly Gazette.

GOVERNMENT OF MYSORE

NO.PWD 11 LBW 63

Mysore Government Secretariat
Vidhana Soudha,
Bangalore, Dated:24th Nov.'64

From

The Secretary to the Govt. of Mysore,
Public Works & Elecy.Department.

To

The Director of Printing & Stationery
Bangalore

Sir,

Sub: The Mysore Irrigation (Levy o
Betterment Contribution) Rules 1964-
Implementation of

1) To implement the Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964, the three forms appended to Notification No.PWD 11 LBW 63 dated 19-9-1964 viz. the Notice intimating the rates of basic contribution, Special benefit Contribution, and Basic Contribution are immediately required by the Deputy Commissioners of Districts.

2) The Deputy Commissioners will separately intima the number of copies of these forms which will be required by them ultimately.

3) In the meantime, I am directed to request you to print and supply 1000 copies of each of the above forms immediately to each of the Deputy Commissioners.

4) Immediate arrangements may kindly be made to take up the printing of these forms and copies sent by the 16th December, 1964 to all Deputy Commissioners.

Yours faithfully,

(Sd)
(M.W.Winston)
Under Secretary to Govt.P.W.D.

Copy to all Deputy Commissioners. They are requested to intimate the number of copies of the forms required to the Director of Printing and Stationery expeditiously. In the meantime, he may be reminded for the immediate supply of the 1000 copies as para 3 of the letter.

Under Secy. to Govt.P.W.D.

Copy to:-
All Divisional Commissioners.
Revenue Department,
Weekly Gazette.

No. GB/IRR SR 231.
Office of the Divl. Commissioner,
Belgaum, 21-11-1964.

MYSORE GOVT. SECRET. No. 1858 25 NOV 1964 P.W.D. (RECEIPT & ISSUE SECTION)

CIRCULAR MEMORANDUM :

Subject : The Mysore Irrigation (Levy of Betterment Contribution)Rules,1964.
Implementation of --

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate)Act,1957, as amended by the Mysore Act No. 23 of 1961 and Mysore Act No. 8 of 1964, came into force with effect from 1-9-1960 (vide Govt. Notification No. PWD 47 GIG 59 dated 20-8-1960). The Mysore Irrigation (Levy of Betterment Contribution)Rules, framed under the aforesaid Act, have also been issued under the Govt. Notification, PWD No. GSR 286 dated 30-9-1964. It is intended that the contribution should be collected from 1-4-1965. Towards this end, several preliminary steps have to be taken both by the officers of the Public Works Department and Revenue Department. These matters were discussed by the Divisional Commissioner in the meeting of Deputy - Commissioners of this division held at Belgaum on 8-11-1964.

With a view to ensuring prompt action by all concerned, the several obligatory functions which devolve on officers of the P.W.D. and Revenue Department are explained below :

ublic Works Department :

a) Betterment Contribution is leviable on land which is, in the opinion of the Prescribed Officer, benefitted by the construction, restoration, expansion and alteration of any work on or after 1-1-1960 so far Belgaum, Bijapur, Dharwar and North Kanara districts are concerned (Section 3(i)).

b) The Prescribed Officer for the purpose of Major or Medium works (costing more than Rs. 5 crores and from Rs. 10 lakhs to 5 crores, respectively) is the Superintending Engineer of the Circle concerned and in respect of Minor Irrigation Works (costing more than Rs. one lakh and less than Rs. 10 lakhs) is the Executive Engineer of the division concerned (Rule 3) .

The Deputy Commissioners are requested to obtain immediately unless already done in pursuance of earlier instructions of this office) from the Superintending Engineer, a list of major, medium or minor irrigation works in their respective district, that further action of the Revenue Department can be initiated.

For the purpose of levy of Betterment Contribution, the Superintending Engineer or the Executive Engineer concerned as the case may be, is also to issue a notification specifying therein

i) Date of commencement and completion of Irrigation works,
ii) Nature of Irrigation work, and
iii) Lands which are benefitted by such works (Section 3(2)).

A copy of such notification has to be sent to the Betterment Levy Officer and Tahsildar of the area concerned . (Sec. 3(2) & Rule 4) .

Revenue Department :

3. (a) Betterment Levy Officers :

On receipt of a copy of the notification, the Betterment Levy Officer after necessary enquiries has to determine the amount of basic contribution payable in respect of different lands and publish his order in form I prescribed under the Rules in the Official Gazette, village chavadi etc; (Rule 5(1)

(b) He should also serve a written notice of demand on the land-holder in form No.III prescribed under the Rules . (Rule7)

(c) The basic contribution becomes payable immediately on service of notice of demand and the land-holder is liable for payment of interest at the rate of 6% on the arrears of basic contribution (Rule 9).

4. Tahsildars :

(a) The Tahsildar has to determine every year, after making necessary enquiries, the amount of special benefit contribution in respect of different lands and publish his order in form II prescribed under the Rules in the official gazette, as well as in the chavadis, etc.. (Rule 5(2)) .

(b) The special benefit contribution is payable when the land revenue due on such land for that year becomes payable and shall be collected with the Land Revenue (Section 5(3)).

5. Assistant Commissioners :

The Assistant Commissioner of each sub-division is empowered to hear appeals against the orders passed by the Tahsildars determining the amount of special benefit contributio Appeals have to be filed within 30 days from the date of the order. He has to give reasonable opportunity to the appellants being heard before deciding the appeal. If he orders any modification to the rates of special benefit contribution, such orders shall be published in the official gazette (Rule 6) .

5. Deputy Commissioners :

a) The Deputy Commissioners have to send proposals for the appointment of Betterment Levy Officers. For minor and medium irrigation works, the Assistant Commissioners in whose jurisdiction the works are situated can be appointed and empowered as Betterment Levy Officers. Proposals should be immediately submitted in the matter.

b) The Deputy Commissioner is empowered to hear appeals against the orders of the Betterment Levy Officer determining the amount of basic contribution. Appeals before the Deputy Commissioner are to be filed within 60 days from the date of the order (Sec.5(a If he orders any modification in the rate of basic contribution, such orders shall be published in the official gazette (Rule 6).

c) Applications for surrender of lands in lieu of basic contribution payable by land-holder have to be made to the Deputy Commissioner within 30 days from the date of service of demand notice by the Betterment Levy Officer. On receipt of such applications, the Deputy Commissioner has to determine the price of lands proposed for surrender after making necessary enquiries.

A notice containing the proposal to surrender the land, details of such land and value fixed therefor, shall be published in the village and served on the persons interested in the land (Rules 7 & 10) .

(d) Objections to the surrender of lands are to be submitted to the Deputy Commissioner within 60 days of the date of publication or receipt of the notice, as the case may be. The Deputy Commissioner, after considering such objections, may either accept or reject the offer of surrender of land. If the offer is accepted, the land shall vest in Government, free from all encumbrances and Govt. may dispose it off, in such manner as it thinks fit (Rule 11) .

The functions of the several officers connected with the implementation of the Act and Rules have been enumerated broadly for facilitating quick action. The provisions of the Act and Rules which are self-explanatory, may be studied carefully and suitable instructions issued to all officers for their implementation quickly. This memorandum which is not exhaustive, is only to assist officers in the implementation of the Act & Rules and should, in no circumstances, be cited in any statutory order passed under the Act or Rules .

(M.S.Swaminathan,)
Divisional Commissioner, Belgaum.

To

All the Deputy Commissioners in the Division .

Copy forwarded to all the :

1) Superintending Engineers in the dn. w.e.s.
2) Executive Engineers in the dn.
3) Assistant Commissioners in the dn .
4) Tahsildars in the dn.

Copy to :

1) The Secretary to Government, Public Works Dept. Bangalore.
2) The Secretary to Government, Revenue Dept. Bangalore.
(3) The Secretary to Government, Finance Dept., Bangalore

or information.

(M.S.Swaminathan)
Divl.Commissioner, Belgaum

21/11.

NOTIFICATION

In exercise of the powers conferred by clause (b) of sub-section (1) of section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, (Mysore Act ~~No.~~ 28 of 1957), the Government of Mysore hereby appoints the ~~following~~ Assistant Commissioners in charge of Revenue ~~specified in the following~~ Table specified below Sub-Divisions ~~in each District~~ to be the Betterment Levy Officers for purposes of the said Act for the ~~area within the local limits of their respective jurisdiction~~ area included in the Revenue Sub-Division in charge of each such Assistant Commissioner.

By Order and in the name of the Governor of Mysore,

5/12/66

Under Secretary to Government,
..... Department.

To

The Compiler, Mysore Gazette for..... publication in the next issue of the

Table

~~To All Asst Commrs~~

Copy to all the Divl. Commrs
all the D.Cs
all C.Es
all S.Es
all E.Es.
~~the~~ A.G.
~~the~~ Secy. RD.

W.G.

Spare 50

No.PWD 11 LBW 63

NOTIFICATION

In exercise of the powers conferred by clause (b) of sub-section (1) of Section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, (Mysore Act 28 of 1957), the Government of Mysore hereby appoints the Assistant Commissioners in charge of Revenue Sub-Divisions to be the Betterment Levy Officers for purposes of the said Act for the area included in the Revenue Sub-Division incharge of each such Assistant Commissioner.

By order and in the name of
the Governor of Mysore,

(M.W. Winston),
Under Secretary to Government,
Public Works Department.

ISSUED
Dated 9/12/64

To

The Compiler, Mysore Gazette for publication in the next issue of the Gazette.

~~Copy to~~
All the Assistant Commissioners in-charge of Revenue Sub-Division

All the Divisional Commissioners.

All the Deputy Commissioners.

All Chief Engineers

All Superintending Engineers

All Executive Engineers.

The Accountant General, Mysore, Bangalore.

The Secretary, Revenue Department

Weekly Gazette.

Spare 50.

No.PWD 11 LBW 63

Mysore Government Secretariat,
Public Works Department,
Vidhana Soudha,
Bangalore, dated, 5-12-1964.

NOTIFICATION

In exercise of the powers conferred by clause (b) of sub-section (1) of Section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, (Mysore Act 28 of 1957), the Government of Mysore hereby appoints the Assistant Commissioners in charge of Revenue Sub-Divisions to be the Betterment Levy Officers for purposes of the said Act for the area included in the Revenue Sub-Division incharge of each such Assistant Commissioner.

By order and in the name of
the Governor of Mysore,

(M.W. Winston),
Under Secretary to Government,
Public Works Department.

To

The Compiler, Mysore Gazette for publication in the next issue of the Gazette.

~~Copy to~~ All the Assistant Commissioners in-charge of Revenue Sub-Divisions.

Copy to: All the Divisional Commissioners.

" All the Deputy Commissioners.

" All Chief Engineers

" All Superintending Engineers

" All Executive Engineers.

" The Accountant General, Mysore, Bangalore.

" The Secretary, Revenue Department.

" Weekly Gazette.

Spare 50.

3437 B

287

C.F. No. 45]

GOVERNMENT OF MYSORE

OFFICE OF
Director of Printing
Stationery and Publications,
Government Press, (Forms Branch),
Bangalore-1.

No. F 5452.
Encls.

Date 7 December 1964.

To

The Secretary to Government of Mysore,
Public Works & Electricity Department
Mysore Government Secretariat, Vi
Bangalore -1.

Sir

Sub:- The Mysore Irrigation (Levy of Betterment Contribution Rules 1964) Implementation of.

....

With reference to letter No.PWD.11/LBW/63 dated 24th November 64, on the above subject, I write to request you to kindly forward the specimens of the three kinds of forms referred to vide Notification No.PWD.11 LBW.63 dated 19th Sept.64, so as to enable this office to print and supply the forms to the Deputy Commissioners of Districts immediately before 16-12-64 as desired by Government.

Yours faithfully

M.A.S.R.

(M.A. Sri Rama)
DIRECTOR.

MYSORE GOVT. SECRETARIAT
1954.
7 DEC 1964
RECEIPT

Dsh/-

Appendix F. G.– 1]

SUBJECT The Mysore Sangathan (Levy of Betterment Contribution Rules 1964) Implementation of

Diary No. of letter replied to.....

Mysore Government Secretariat.

( )

the *196* .

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No.

To

The Director
Stationery and Publications
Govt Press (Forms Branch)
Bangalore

Sir,

With reference to your letter No F 5452 dated 7-12-1964 on the above subject I am directed, to ~~invite~~ draw your attention to the pages 5, 6, 7 of the Mysore Sangathan

Copy of letter of Retirement (Contribution)
(Copies enclosed for ready reference)
Rules 1964 (where in necessary)

Specimens of these kinds of forms have already been ~~posted~~ received also appear to the
I am to request you kindly to take action to print and supply ~~claimants~~ to Print ~~[illegible]~~
~~supplied to~~ the forms to his deputy Commissioners
as already ~~been received~~ required.
~~to the notification No PWD 11 LBW 63~~
Action taken may be please be reported in
~~Dated 19-9-1964~~
information for.

Yours faithfully

Under Secretary to
Govt. PWD

GOVERNMENT OF MYSORE

No. PWD 11 L BWT 63.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 9-12-1964.
10

Secretary to the Government of Mysore,
Public Works & Elecy.Department, Bangalore.

To

The Director of Printing
Stationery and Publications,
Govt. Press (Forms Branch),
BANGALORE.

Sir,

Sub:-The Mysore Irrigation (Levy of Betterment Contribution Rules1964) - Implementation of-

---

With reference to your letter No.F 5452 dated 7-12-1964 on the above subject I am directed to draw your attention to ~~the~~ pages 5,6,7 of the Mysore Irrigation(Levy of Betterment Contribution) Rules 1964 (copy enclosed for ready reference) wherein necessary specimen~~s~~ of the~~e~~ three kinds of forms have already been prescribed and also appended to the rules. I am to request you kindly to take action to print and supply the forms to the Deputy Commissioners as already requested.

Action taken may be please be reported for information of Government.

Yours faithfully,

9/12/64

(M.W.Winston),
Under Secretary to Government,
Public Works Department.

All Superintending Engineers,

All Executive Engineers,

All Deputy Commissioners.

Sir,

SUB: Mysore Irrigation (Levy of Betterment Contribution) Rules 1964 - Implementation of.

Ref: Letter No. PWD 11 LBW 63 dated 24-9-1964.

I am directed to invite attention to the reference cited and to request you to intimate Govt whether necessary notifications hav been issued and whether the Demand notices have been served upon the beneficiaries as indicated in the letter. This is essential so that the first instalment of the levy ~~is collected before the end of~~ becomes due for collection by April, 1965.

As Government is anxious to know the progress achieved in this matter, a detailed report on the action taken so far may be forwarded as early as possible ~~intimated immediately.~~

~~As Government would like to review the matter so far as each Officers' jurisdiction is concerned, a detailed report may be sent~~ and will be later than ~~reach this Dept. by the~~ 10th of February, 19 ~~positively.~~

Issued

Dated 9-1-65

This letter may please be acknowledg

Y/f.,

Secy ~~P.W.D.~~ to Govt., PWD. ~~(Special Irrigation)~~

Copy: to: The Divisional Commrs.
All the C.Es.
Secretary, R.D.

GOVERNMENT OF MY

No.PWD 11 LBW 63

Mysore Government Secretariat,
PublicWorks Department,
Vidhana Soudha,
Bangalore, dated, 21-1-1965.

From

The Secretary to Government,
Public Works Department, Bangalore.

To

All Superintending Engineers,
All Executive Engineers
All Deputy Commissioners.

Sir,

Sub:-Mysore Irrigation (Levy of Betterment Contribution) Rules 1964 -Implementation of .-

Ref:-Letter No.PWD 11 LBW 63 dated 24-9-1964.

I am directed to invite attention to the reference cited and to request you to intimate Government whether necessary notifications have been issued and whether the Demand notices have been served upon the beneficiaries as indicated in the letter. This is essential so that the first instalment of the levy becomes due for collection by April 1965.

As Government is anxious to know the progress achieved xxxxx in this matter, a detailed report on the action taken so far may be forwarded as early as possible, but not later than 10th Of February 1965.

This letter may please be acknowledged.

Yours faithfully,

Issued 21-1-65

Chandappa 21/1/65
(Chandappa Patel),
Secretary to Government,
Public Works & Elecy.Deptt.

Copy to:-

The Divisional Commissioners.

All the Chief Engineers

Secretary, Revenue Department.

293 ~~365~~

No. 4 CSDS/DB/LCP/GL-3512/64-65.

Office of the Executive Engineer,
No. 4 Contour Survey Division,
Sagar Dated, 11-2-1965.

17

To

The Assistant Commissioner,
In charge of Revenue Sub-Division,
SAGAR/ SHIMOGA.

MYSORE GOVT. SECRETARIAT
No. 344
19 FEB 1965
RECEIPT

Sub:- Mysore Irrigation (Levy of Betterment Contribution) Rules 1964- Implementation of.

Ref:- Letter No. P.W.D 11 LBW 63 Dated, 5-12-64.

Sir,

With reference to the above, I write to state as follows.

For the benifit of the expropriated ryots of Sharavathi Valle Project, this division is ~~taking~~ executing number of irrigation Tanks and pick up works round about Sagar and Shimoga Taluk's and many of the Tanks and pick ups are in completion stage.

In the G.O.No. P.W.D 11 LBW 63 Dated, 24-9-64 (Copy enclosed) it is reported that, Assistant Commissioners inchargo of Revenue Sub-Divisions to be the betterment levy Officers.

Kindly intimate this office to whom the completed Tank's and pick up's should be handed over. The necessary mutchehikas execut by the ryots are also preserved in this office. If you are in need any further informations, that can be obtained from this office if necessary.

Early reply in this matter is requested.

Yours faithfully,
Sd/-
Executive Engineer,
No. 4 Contour Survey Division, Sa

Copy of the above is submitted the forwarded for information t the:-

1) Sup erintending Engineer Sharavathi Valley Project, Kargal, for kind information.

2) Deputy Commissioner, Shimoga.

3) Special Tahsildar, Sagar.

4) Secretary to Government Public Works and Electricity Department Vidhana Soudha Bangaloro.

5) Assistant Engineers No. 1.4 and 5 Sub-Division and he is requ
to submit a statement showing the stage of Irrigation works u
three days of time, to take further action.

M.T. Narasimhaiah 16/2/65
Executive Engineer,
Contour Survey Division, Sa

This may be filed after perusal

20/2/1965.

This will be placed in the next
file review.

23/2/65

No. I.R.R. 43.C /64-65.

To
The Secretary to Government,
Public Works Department,
Bangalore.

No 717
29 MAR 1965
P. W. D. (RECEIPT & ISSUE)

Sub:- Mysore-Irrigation (Levy of Betterment Contribution) Rules 1964- Implementation of-

Ref;- Your letter No. P.W.D. II LBW/63-64,dt. 21-1-1965.

******

I am to state that the Notification inrespect of a Major Tank in Gangoor village, Halebid Hobli, Belur Taluk was issued by the Executive Engineer,Hassan District, on 27-1-1965.

Necessary instructions have also been issued to the Asst. Commissioner, Saklespur, Sub-Division, for taking immediate action for levy betterment contributions and its recovery.

Further reply will be sent on receipt of particulars from Assistant Commissioner, Saklespur, Sub.Division, regarding the progress achieved in this behalf.

Yours faithfully,

26/3

for Deputy Commissioner,
Hassan District, Hassan.

No.IRN/CB/ 27458-63. Office of the Superintending Engine
Ghataprabha Project Circle,
Hidkal Camp : 30 MAR 1965

Encl: 4 Sheets

To

The Secretary to Government,
P.W. And Electricity Department,
Vidhana Soudha, Bangalore.

Subject :- Mysore Irrigation (Levy of Betterment Contribution) Rules 1964 - Implementation of....

Reference:- Your letter No.PWD 11 LBW-63 dt. 21-1-1965 addressed to Superintending Engineers and Executive Engineer and Deputy Commissioners.

Sir,

Adverting to the above, I write to state that as per orders contained in Government letter No.PWD-11 LBW-63 dated 24-9-1964, the officers of this Department are to forward cop of the Notifications issued by them under Section 3(2) to the Betterment Levy Officers and to the Tahsildars in whose juris ion the benefitted lands are situated and this has been done far, as the irrigation works under this Circle are concerned. Copies of Notifications are enclosed.

2. As regards the issue of demand notices on the benefi ries this has to be done by the Betterment Levy Officers conc

Yours faithfully,

(B.C.Angadi.)
Superintending Engineer,

sbp.29/3.

Copy forwarded with compliments to the Divisional Commissioner, Belgaum for information.

Copy forwarded with compliments to the Deputy Commiss Belgaum/Bijapur with reference to the Government letter cited above.

2. Government may please be communicated regarding th ion taken by the Betterment Levy Officers in issuing demand notices etc. upon the beneficiaries.

Copy forwarded to the Executive Engineer, G.L.B.C.Dn. Ghp. and G.L.B.C.Dn.No.2,Jamkhandi for information.

[illegible]

[illegible] of the [illegible]
[illegible] Project Circle,
[illegible]

4 DEC 1964

[illegible]

[illegible] sub-section (d) of section 8 of the Tyrone Irrigation (Levy of Betterment Contribution) Order Act 1957 (Tyrone Act 1957) as amended by the Tyrone Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Act 1963 (Tyrone Act 3 of [illegible]) and also 8 of Tyrone Irrigation (Levy of Betterment Contribution) Order 1963, I, the undersigned [illegible], Statutory [illegible] of the prescribed officer do hereby notify for the information of the [illegible] that the following [illegible] irrigation project [illegible] has been marked for purposes of betterment levy to be fixed by [illegible] of the Levy Officer and Valuation Officer concerned. The details [illegible] the [illegible] of betterment, completion, the amount of the [illegible] (if any) and the land benefited under the old irrigation [illegible] which the [illegible] relate is.

[illegible] of Irrigation [illegible]	[illegible] (65 to 71 [illegible]).
[illegible] of the [illegible]	[illegible].
[illegible] of [illegible]	i) [illegible] (65-71 [illegible]) : [illegible] ii) [illegible] (0-5 [illegible]) : [illegible]
[illegible] of [illegible]	i) [illegible] (65-71 [illegible]) : [illegible] ii) [illegible] (0-4 [illegible]) : [illegible]
[illegible] of Irrigation [illegible].	[illegible].
[illegible] by the old [illegible].	[illegible] calculated correctly.

sd/-
([illegible])
[illegible], J.P.

[illegible]/20.

[illegible] to : 1) The [illegible], [illegible] (100) [illegible] to publish the notification with its [illegible] the [illegible]. Ten copies of the publication may [illegible] be [illegible] for use in this Circle.

2) The Divisional [illegible], [illegible].
3) The County [illegible], [illegible] (along with copies of [illegible]) for [illegible].

Copy forwarded to the Treasurer, [illegible] / [illegible] / [illegible] necessary action.

The [illegible], [illegible] to furnish necessary [illegible] by the old Irrigation [illegible], to the [illegible].

[illegible]

2. [illegible] by the old [illegible] [illegible]

297

[illegible]

37.44

[illegible] of the [illegible]
[illegible] project circle,
[illegible]

5 DEC 1964

[illegible]

[illegible] section (3) of [illegible] 3 of the Mysore Irrigation Levy of Betterment Contribution and [illegible] (Amendment) Act 1957(1 of 1957) as amended by the Mysore Irrigation (Levy) of Betterment Contribution and [illegible] (Amendment) Act, 1963(Mysore Act [illegible] of 1963) read with [illegible] 3 of the Mysore Irrigation (Levy of Betterment Contribution) Rules 1964, I, the Superintending Engineer, [illegible] Circle, being the prescribed officer do hereby notify for the information of the beneficiaries that the collecting officer in the case has been completed for purposes of betterment levy on the land in the [illegible] and the [illegible] concerned. The details regarding the date of commencement, completion, the nature of the [illegible], extent of land) and the lands benefited under the [illegible] are as follows :-

Name of the irrigation work :	[illegible] (Cl [illegible]).
Estimated cost of the irrigation work.	Rs.[illegible] crores.
Date of commencement of the irrigation work.	1) [illegible] 1-1-1973 (Cl-[illegible] [illegible]) 2) [illegible] 1-6-1963. 3) [illegible] 1-12-1950.
Date of completion of the irrigation work.	1) [illegible] (Cl-[illegible] [illegible]) : [illegible] 2) [illegible] C-3 [illegible] : [illegible] 3) [illegible] C-10 [illegible] : [illegible] 4) [illegible] C-12 [illegible] : [illegible]
Nature of irrigation work.	Major irrigation work.
Lands benefited by the said irrigation work.	Statement enclosed separately.

sd/-

([illegible])

[illegible]

[illegible] 1) The [illegible] [illegible] 2) [illegible] the [illegible] with the [illegible] in the [illegible] circle.

3) The [illegible] [illegible].

4) The [illegible] / [illegible] (along with [illegible] of lands) [illegible].

[illegible] along with statement of lands

[illegible] 2, [illegible] have been [illegible] to [illegible] access by [illegible] the [illegible] benefited by the said irrigation [illegible].

258

[illegible]

[illegible] 2138036

Office of the Superintending Engineer
[illegible] Project Circle,
[illegible]

NOTIFICATION.

5 DEC 1964

Under Sub-Section (2) of Section 3 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Act 20 of 1957) as amended by the Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Act, 1962 (Act 8 of 1963) read with Rule 3 of the Mysore Irrigation (Levy Betterment Contribution) Rules 1964, I, the Superintending Engineer, Bhadra Project Circle, being the prescribed Officer do hereby for the information of the beneficiaries that the Bhadra Irrigation Project has been completed for purposes of levy to be met by the aforesaid levy in respect of the area concerned. The details regarding the date of commencement, cost, the nature of the main works, nature of [illegible] and the benefited area of the said irrigation works are as under :-

Name of Irrigation work :	Bhadra Project.
Total cost of the Irrigation work.	Rs.10.50 Crores.
Date of commencement of the Irrigation work.	03-0-1951.
Date of completion of the Irrigation work.	Irrigation commenced on 13-0-1965.
Nature of the Irrigation work.	Medium Irrigation work.
Lands benefitted by the said Irrigation work.	Statement enclosed copy

sd/-

(D.C.Angadi)
Superintending Engineer, B.P.C.

No. S/12.

Copy fd.w.cc. to :

1) The Compiler, Mysore Gazette, Bangalore with a request to publish the Notification with its enclosure in the Mysore Gazette. Ten copies of the publication may please be sent for use in this Circle.

2) The Divisional Commissioner, Belgaum.

3) The Deputy Commissioner, Dharwar (along with statements) for kind information.

Copy fd. to the Tahsildar, Jamkhandi/Badami/Hunagund for information and action.

The Executive Engineer, [illegible] Division, [illegible] Circle, Hubli is directed to furnish necessary statements showing lands benefited by the said Irrigation works.

Copy fd. to the [illegible] with his letter No. [illegible] dated [illegible].

N/B Statements showing lands benefitted by the said Irrigation works should be sent to the concerned Tahsildars direct with further loss of time with a copy to this office.

N/B Three printed copies of such statements were received in this office but one copy is sent to the Tahsildars.

[illegible]

[illegible] Office of the Deputy Commissioner
[illegible] Tapoban Project, Dehra,
Sign 1 copy.

18 DEC 1964

[illegible]

Under sub-section (2) of section 8 of the Kyora Irrigation Levy of Betterment Contribution and Water Rate) Act, 1957 (Kyora Act 23 of 1957) as amended by the Kyora Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Act, 1963 (Kyora Act [illegible] of 1963) read with Rule 8 of the Kyora Irrigation (Levy of Betterment [illegible]) Rules, 1963, I, the undersigned (Superintending Engineer, [illegible] Irrigation Project Dehra Dehra, being the prescribed Officer [illegible] to issue) notify for the information of the beneficiaries that the building (Major Irrigation) Project has been completed and the betterment levy (Betterment Contribution) to be fixed by the betterment levy (Betterment Contribution). The details regarding the dates of commencement, completion, the area of the land (Net Irrigation or Flood) and the [illegible] are the only [illegible] which [illegible] below :-

1. Name of Irrigation Unit.	Construction of [illegible] Weirs 15 to 23 [illegible] (Weir to Weir No.30).
2. Estimated cost of the Irrigation work.	Rs.[illegible] lakhs.
3. Date of commencement of Irrigation work.	October, 1961.
4. Date of completion of the Irrigation work.	17-9-1964.
5. Nature of the Irrigation work.	Major Irrigation Works.
6. Area benefited by the said Irrigation work.	[illegible] acres.

sd/-
([illegible])
Superintending Engineer, [illegible]

No. 17/12.

17/12

Copy [illegible] to :- 1) [illegible] Superintending Engineer, [illegible] Project to publish the [illegible] in the [illegible] Gazette. [illegible] place of the publication of place to be [illegible] for use in this Gazette.

2) The [illegible] Engineer, [illegible].

3) The Deputy Commissioner, [illegible] (along with the statement [illegible] of Irrigation) for [illegible].

Copy [illegible] the [illegible], [illegible] (along with the statement [illegible] of Irrigation) for necessary action.

Copy [illegible] to [illegible] Sub-Div. No.1, [illegible] for information with reference to his letter No.[illegible] /IC[illegible], dated [illegible]-12-1964.

[illegible] the name and [illegible] of [illegible] [illegible] to [illegible] initi[illegible]

Rc.No.0972/64- A.2.

Office of the Deputy Commissioner,
Bellary: Dated. 6th April 1965.

To

The Director of Printing &

Stationery, Government Press,

(Forms Branch), Bangalore.

MYSORE GOVT. PRESS
8 APR 1965
P. W. D. (ENGLISH) & ISSUE

Sir,

Sub:- Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964 - Supply of Printed Act, Rules and Forms - regardin

Ref:- Your Letter No.F.7216 dated 5-3-1965.

With reference to the letter cited, I write to state that only the Mysore Civil List and Mysore Land Revenue Act, 1964 (5 copies) were supplied with your Invoice No.605 da ted 5-6-1964 and no Act or Ru in respect of Mysore Irrigation (levy of Betterment Contribution & Water rate) Act and amendment to the were supplied to this office. I request you to kind supply these urgently.

i) The Mysore Irrigation(Levy of Betterment Contribution & WaterRate) Act, 1957, as amended by Mysore Act No.23 of 1961 and as further amended by Act No.8 of 1964.

ii) The Mysore Irrigation (Levy of Betterment Contribution) Rules, 1964,

iii) Prescribed printed notices for Basic - Contribution & Special Benefit Contribution as per the indent (Forms I and III

As the work of levy of contribution is held up for v of these forms, I request you to kindly make availal the Act, Rules & Forms urgently as the Government is pressing for progress reports in this behalf.

Yours Faithfully,

Sd/--
(D.S. Raghavendrachar)
Deputy Commissioner, Bellary.

Copy submitted to the Divisional Commissioner, Bangalore Division, Bangalore, for favour of information and n ecessary action.

Copy to the Secretary to Government, Revenue Department, Vidhana Soudha, Bangalore, for information.

Copy to the Secretary to Government (P.W.D) Bangalore, For favour of information and necessary action.

Deputy Commissioner,
Bellary

Ref. A5-17059/64.

Office of the Deputy Commissioner,
South Kanara, Mangalore,
Dated 9-4-1965.

To

The Secretary to Government of Mysore,
Public Works Department, Vidhana Soudha,
Bangalore.

Sir,

834
12 APR 1965
P.W.D. RECEIPT

Sub: Mysore Irrigation (Levy of Betterment contribution) Rules 1964- Implementation of -

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Ref:- 1) Govt. letter No. P.W.D. 11-LBW-63 dated 21-1-1965.
2) D.O. letter No. PWD-14 -LBW-65 dated 26.3.1965 of the Secretary to Government, P.W.D., Bangalore.

A kind reference is invited to this office letter No. Ref. A5-17059/64 dated 4.3.1965 on the above subject. The Executive Engineer, P.W.D., Udipi Division, has sent notifications under Section 3(2) of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957, in respect of the following three completed minor irrigation works costing more than rupees one lakh, for the purpose of levy of Betterment contribution.

1) Construction of a salt water exclusion dam across Arbor River in Udipi Taluk- Estimated cost Rs. 1,24,000/-

2) Anicut across Sankadagundi river at Hadavinagadde in Coondapur taluk. Estimated cost Rs. 1,43,000/-

3) Salt water exclusion dam across Yedamavinahole in Kambadakone village Rs. 1,26,000/-

These notifications have not yet been published in the Mysore Gazette. However, copies of the notifications with ayacut details have been sent to the concerned Betterment Levy Officer (Asst. Commissioner, Coondapur) and the Tahsildars of Coondapur and Udipi taluks for taking further action. Necessary instructions have already been issued to these Officers to determine the amount of basic contribution and special benefit contribution in respect of different lands and to take further action to issue necessary orders and demand notices as prescribed under the rules. The required particulars are furnished in the enclosed proforma. A comprehensive report will be sent to Government as early as possible, on receipt of further reports from the concerned Officers.

Yours faithfully,

For Deputy Commissioner,
South Kanara District.

Copy to the Divisional Commissioner,
Mysore Division, Mysore with reference to D.O. letter No. IRR-8880/64-65 dated 27.3.1965.

Copy to A5.

PROFORMA.

2. Name of the work. Salt water exclusion dam across Arwor River at Aroor village, Udipi Taluk.

3. Division/ District/ Taluk ysoreDivision, South Kanara District, Udipi Taluk.

4. Area commanded under the project- 277-54 acres.

5. Area under which levy becomes due- Basis 277-54 acre

6. Amount proposed to be collected-

Basic contribution at Rs. 400/- per acre) Rs. 1,11,016-00

Special benefit contribution at the rate of Rs. 12.50) 3,469-25

7. Remarks-

Sl.No.

2. Name of the work:- Anicut across Sankadagundi river at Hadavinagadde in Coondapur Taluk.

3. Division/ District/ Taluk Mysore Division/ South Kanara/ Coondapur taluk

4. Area commanded under the Project- 199-05 acres

5. Area under which levy becomes due- 199-05 acres

6. Amount proposed to be collected-

Basic contribution at Rs. 400/- per acre-) Rs. 79,620-00

Special Benefit contribution at Rs. 12.50 per acre per annum) Rs. 2,488-13

Remarks- ---

Sl.No. 3

2. Name of the work:- Salt water exclusion dam across Yedamavinahole in Kambadakone vil Coondapur Taluk

3. Division//District/ Taluk Mysore Division/ South Kanara Dis Coondapur Taluk

Area commanded under the Project-	240-14 a
Area under whi... becomes due-	204-40 acres.
Amount proposed to be collec	
asic contribution at Rs. 400/ per acre.	81,760 Rs. ~~8,1x8~~
Special benefit contributio Rs. 12.50 per acre per annum	Rs. 2,555-00
al - area commanded under the above) ject-s —	716-73 acres.
al area under which levy becomes	680-99 acres.

-- Rs. 2,72,396-0

-- Rs. 8,512-3

For Deputy Commission
South Kanara Distr

No.A8. PR 71/6

Office of the Deputy Commissionor,
Shimoga District,
Shimoga Dated 7-4-1965.

To

The Divisional Commissioner,
Mysore Division,
Mysore.

Sir,

Subject:- Mysore Irrigation (Levy of Betterment Contribution) Rules 64 - Sanction of establishment.

=:::=

Reference:-1) This office letter of even number dated 8-1-65.

2) Report No.BLRR 4/64-5 dated 28-1-65 from the Assistant Commissioner and B.L.O.Shimoga.

3) This office letter of even number dated 29-1-65.

4. This office report of even number dated 8-2-65.

5. This office letter of even number dated 6-3-1965.

6. Report No.BLRR 4/64-5 dated 11-3-65 from the Assistant Commissioner and B.L.O.Shimoga.

7. This office D.O. letter of even number dated 19-3-65.

8. This office letter of even number dated 29-3-1965.

-:::-

MYSORE GOVT. SECRET
No. 835
12 APR 1965
P.W.D. (RECEIPT & ISSUE)

With reference to the above, I write to state as follows:

The Assistant Commissioner, Shimoga and Sagar Sub Division are appointed as Betterment levy officers as per Government Notification No. PWD 11 LBW 63 dated 5-12-64. In Shimoga Sub Division, there are two major Irrigation projects namely, Tunga and Bhadra, having their vast irrigable area in the Four Taluks of Shimoga, Bhadravathi, Channagiri and Honnali. In addition to these two big major projects, there are quite a number of Medium and Minor projects in respect of which the provisions of the Betterment levy Act have to be applied.

In Sagar Sub Division, there is one Major Project viz Ambligola Project, having its irrigable area in Shikaripura and Sagar Taluks.

In respect of all these projects, the Assistant Commissioner of Revenue Sub Divisions who are appointed as Betterment Levy Officers have to issue notifications in form No. I. relating to the Hundreds of Villages that are commanded by Channels and thereafter thousands of individual demand notice

notices will have to be served on the beneficiaries levy of basic contribution. Besides, the Assistant Commissioners who are the Betterment levy officers have to hear the objections received in response to demand notices served on the beneficiaries and in a number of cases, they will have to inspect the spot determine the basic contribution. Added to this Assistant Commissioners are the appellate authority appeals against the orders of the Tahsildar regard levy of special benefit contribution fixed by them. needless to say that all these procedure in lieu of the betterment levy not involves a cumbrous amount work, large number of inspections on extensive tour resulting in very heavy strain on the Assi Commissioners who are appointed as Betterment levy More than 50000 demand notices will have to be prepa duplicate and served on the beneficiaries under the of the said act in Shimoga and Sagar sub divisions enormous work will have to be completed by the end Sagar staff of the respective Sub Division Officers

In a large number of cases, it is found that th variations in the extents of lands as intimated by authorities with that of the extents ascertain enquiries and spot inspections by the Revenue Offic obviously, the Assistant Commissioners will have to the nook and corner of the Villages to inspect the under dispute to dispose of the objections received the beneficiaries. Many of these villages are situ in the interior regions not easily accessible by th therefore it is absolutely necessary that the Better levy officers be provided with a Jeep.

In both Shimoga and Sagar Sub Divisions, the s revenue work is increasing day by day. There are a number of regular appeals, tenancy cases, land re Cases and land transfer cases that are pending disposal especially during the present food procurement work regular revenue work is hampered and the Assistant Commissioners are over burdened as they have to dis Multifarious items of Government work.

The Present strength of the staff of the Assis Commissioner's office numbering 4-5 is barely suffi cope up with the volume of work that is increasing day. They are already overburdened. Any more add work will further hamper the legitimate discharge o work.

for the Present Assistant Commissioners have ---
existing staff of their offices to cope up with the
enormous duties and functions of the Betterment levy
officers, in addition to the heavy regular Revenue
work, food procurement and other multifarious, urgent
and important Government work. It is too much to
expect an effecient discharge of the work relating
to the Betterment Levy and it is out of proportion with
the valume of work and responsibilities entrusted to
the Assistant Commissioners with the insufficient staf
Neither the Regular Revenue work nor the Betterment
levy work canxx be discharged with the due effiency
and promptness by one and the same officer as the volu
of work of both these branches require a separate full
Assistant Commissioner, otherwise arrears are sure to
accumulate in both these sections beyond one's Estim
and I am sure that extra and additional staff in the
proportion of one to double will have to be
employed for clearance of the accumulated arrears
later on, let alone the day to day current work. Hon
I reiterate that it is very necessary that the Assis
Commissioner are relieved of the onerous duties dev
on them by appointing them as betterment levy officer
with a view to attend to the regular revenue work whi
is already heavy and that a separate betterment levy
officer with sufficient staff and Jeep is provided
to discharge the duties arising out of the Bettermen
levy act. Before it becomes too late to set right
drawback it is better that action is taken now along
to create a separate post of an Assistant
Commissioner in this District with one Jeep and suff
Executive and Ministerial staff attached to him.

I am sending up these proposals solely in the
interest of efficient discharge of Government dutie
and smooth administration both in the Revenue work
and in the Betterment levy work. Copies of repre
dated 28-1-65 and 11-1-65 received from the Assist
Commissioner, Shimoga are enclosed for favour of in
tion.

I therefore request you kindly to bring the abov
facts to the notice of Government and to obtain san
of the creation of a post of one whole time officer
Shimoga and Sagar Sub Division, besides the Executi
and Ministerial staff with Jeep as detailed in the